ONTARIO. LEGISLATIVE ASSEMBLY.

SELECT COMMITTEE
ON
THE MUNICIPAL ACT AND RELATED ACTS

BRIEFS & SUBMISSIONS
~~FROM~~ MUNICIPALITIES

[redacted], [redacted].

Ontario. Legislative assembly. Select Committee on the Municipal Act and related acts
Briefs and submissions. v. 2. Municipalities

No.	NAME OF ASSOCIATION	No. of pieces
[1]	Ajax	1
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[3]	Barrie	1
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B R I E F

to the

SELECT COMMITTEE

on

THE MUNICIPAL ACT AND RELATED ACTS

from

THE CORPORATION OF THE TOWN OF AJAX

SEPTEMBER 15, 1961.

Gentlemen:

The following brief deals with a number of problems which this Municipality believes should be placed before the Select Committee for their thought, study and future implementation by the Ontario Legislature. We have tried to be concrete, specific and constructive in the matters discussed with positive recommendations for each. To aid the Committee, we have summarized our recommendations at the end of each section and again at the end of the brief.

A. HOSPITAL CAPITAL GRANTS

1. The provision of hospital beds and services is one of the greatest needs of our Province to-day. As Ontario has grown in population and since the inauguration of the Ontario Hospital Insurance Plan, there has arisen an urgent need to increase hospital capital plant - buildings and services.

2. To construct and equip hospitals there are four major sources of money: Federal grants, Provincial grants, donations from private individuals and corporations, and municipal capital grants made from current revenue or financed by an issue of debentures.

3. Our first point is that the cost of the construction of hospitals should not be borne by taxes on property. It is grossly unfair that the property owner as such should pay more toward the cost of construction of hospitals than any other citizen. The purpose of municipalities is to provide basic local services such as roads, water services, garbage collection etc. Taxes on land should continue to be used to help pay for these services and no more. It is a fact only too well known to every Council that totally justified needs of a municipality are slashed and rejected to meet the demands of other bodies - demands which in many cases cannot be refused. The general tax rate is cut to help keep taxes low; but essential services suffer.

4. Secondly, as hospital building costs increase and the number and size of hospitals required continue to grow so the assets to be collected from private individuals and corporations also grow. The amounts to be collected have become so vast that they reach six or seven figures. In a small area or community this is an impossible situation. It is unworthy in a rich country like ours to have hospitals beg for money for new buildings. Communities should not be prevented from building hospitals and extending vital services through lack of funds.

5. Thirdly, the municipal capital grant paid by the property owner is not the way that should be used to make up the difference between Federal grants, Provincial grants and private donations.

6. Where should the money come from for hospital construction? It is a sound taxation principle to charge directly those who participate

in and benefit from the Hospital Insurance Plan. In this way the tax is direct. Everyone knows how much he is paying and what he is paying for. Those insured pay the cost. This is fair and equitable. There are 1,750,000 Hospital Insurance Plan certificate holders in the Province of Ontario. If each one of these certificate holders was charged One Dollar per month this would create an annual hospital construction fund of $21,000,000.00 per annum. This money administered by the Ontario Hospital Services Commission on a priority basis could quickly bring order into hospital construction.

7. When the Province expects municipalities and private charity to carry the hospital construction load it is shirking its responsibilities. The shift of costs and responsibilities from the Province to the municipalities is much too widespread. We have a Hospital Insurance Plan, let the Plan carry itself in every major aspect. Let us not delude ourselves. All services must be paid for. Let us pay for hospital construction costs directly by putting the onus on the Insurance Plan and its contributors.

Recommendations:

(a) That hospital construction costs be borne by the Federal and Provincial Governments, thereby relieving the property owner from the burden of hospital construction costs;

(b) That hospital construction costs be paid for as follows -

  (i) The existing Provincial and Federal grants be continued;

  (ii) The grants be extended to include services as well as beds;

(iii) The establishment of a hospital construction fund by Ontario Hospital Services Commission. Such fund to be financed by increasing the monthly premium now charged under the Ontario Hospital Insurance Plan. All moneys resulting from the increase to be placed directly in the Hospital Construction Fund and be allocated on a priority basis to pay for hospital construction all over Ontario;

(c) The Municipal Act R.S.O. 1960 be amended so that municipalities may no longer make capital grants either from current revenue or by the issue of debentures.

B. PLANNING

8. As the urbanization of the Province continues and as population increases, the Provincial government needs to play a much more active role in the overall direction of land use planning of the Province. Just as a town or township needs an Official Plan and a zoning by-law so the Province needs to produce an Official Plan of its own which would try to project major land uses, major transportation routes, major water plants, major sewage works, major industrial areas and permanent agricultural areas. The Province cannot leave overall Provincial planning to local, regional or metropolitan planning boards. These boards can only see, naturally, their own local problems. Only the Provincial Government can see the overall requirements of Ontario and plan for them. To delegate or to try to delegate anything but local planning to local planning boards is dangerous for the whole future of the Province. For example, certain areas should be industrial and certain areas should be agricultural and the Province must make the broad decisions as to where these areas should be in a master Provincial Official Plan.

9. It seems to us completely impossible for the Government and the Legislature to try to delegate its planning responsibility in the field of land use and at the same time keep rigid supervision over the municipalities ability and right to borrow. The planner can plan but the Ontario Municipal Board decides whether or not the municipality has the financial ability to carry its plans through. It seems to us that planning and financial responsibility go hand in hand. The Ontario Municipal Board protects the people from unwise and hasty borrowing. This is a sound policy. By having the Provincial Government take active initiative in planning, the Government can make certain that good overall Provincial planning and sound economic policies will be encouraged and developed at the same time.

10. This policy would in no way detract from the power or responsibilities of local planning boards who would then fit their planning into the overall Provincial plan. Everyone would know the significance of this plan in relation to the Master Provincial plan.

Recommendations:

(d) That the Provincial Government assume its responsibility by playing a more active role in directing the overall planning of the Province;

(e) That the Provincial Government and the Legislature as quickly as possible develop a Master Official Plan for the whole Province similar to ones now drawn up by municipalities. Such a Plan to be adopted into law and amended from time to time by the Legislature.

C. COUNTY GOVERNMENT

11. We earnestly believe that the Select Committee and the Ontario Legislature must make a searching study of our present system of municipal government. After one hundred years, we believe there are weaknesses that are costly and inefficient.

12. One of the most difficult and important problems which the Committee must come to grips with is whether or not the county system of government in Ontario shall be continued. The weaknesses of the county system are becoming more and more apparent each year.

13. We would like to take this opportunity to place before the Committee what we consider are some of the major serious defects in the county form of government.

14. First, the county was created over one hundred years ago. Back in 1850, Ontario dealt with rural problems. By 1961, with the growth of industry, the bulk of the people live in cities, towns and large urbanized townships. Consequently, many counties have now within them very large urban and semi-urban municipalities. These urban municipalities have different problems and different views. They contain the lion's share of the assessment used for county tax purposes. We have now reached the point where the social and economic structure within many counties has undergone profound changes. It is evident, therefore, that alterations in the structure and duties of the county must come. The county is no longer a practical political unit to fit the changes of our twentieth century urbanized society.

15. Secondly, the county violates the democratic principle of representation by population. The problems have changed; the population has shifted; the assessment base is in the urban areas; yet the rural municipalities within the county still control the bulk of the votes. This reminds one of the old "Rottenboroughs" in the pre-1832 Britain. In our County, to give specific examples, three municipalities have a total population of 36,131 out of a total County population of 67,914; yet they have only 12 out of 38 votes - 53.2% of the population but less than 32% of the votes (statistics from the 1960 Municipal Directory). One municipality has a population of 388 and 1 vote on County Council; another municipality has 16,175 people with 4 votes on County Council - forty-one times as many people with only four times the votes. We cannot believe that the rural person has any more or less intelligence to direct the affairs of the county than the urban person. Let political power be proportioned according to population. How can the citizen trust a county government which does not reflect the will of the majority? It is difficult to understand why the multiple system of voting in county council should stop at a maximum of four votes for a municipality. We suspect that when this section was enacted it was believed that few municipalities would grow beyond or much beyond the four vote maximum. We do not know what magic qualities the number four has. Many towns and townships have many more municipal electors than are needed for four votes but are still restricted to four. We have prepared a chart showing representative towns and townships in many Ontario counties. The population

figures were taken from the 1961 Municipal Directory. The number of municipal electors were supplied by the Clerks.

CHART OF MUNICIPAL ELECTORS

COUNTY	MUNICIPALITY	POPULATION 1961	MUNICIPAL ELECTORS COUNTED FOR COUNTY PURPOSES
Ontario	Whitby Town	12,501	4713
Ontario	Pickering Twp.	16,640	8256
Carleton	Nepean Twp.	16,566	7286
Halton	Georgetown	10,015	4584
Welland	Fort Erie Town	8,897	3733
Carleton	Gloucester Twp.	16,716	5868
Halton	Burlington Town	44,709	over 10000
Simcoe	Midland Town	8,615	3725
Northumber-land and Durham	Cobourg Town	9,445	4101
Northumber-land and Durham	Port Hope Town	8,072	3879
Peel	Toronto Twp.	59,983	29302
Halton	Oakville Town	10,247	4308
York	Richmond Hill Town	16,095	8006
Simcoe	Orillia Town	14,515	7039
Welland	Stamford Twp.	29,665	13160

From the examples quoted above the inequalities of representation in our county councils over a wide number of counties is obvious. There needs to be a redistribution of voting strength within counties to have voting power bear a more direct relationship to population.

16. Thirdly, the county system violates the basic principle of democratic government that those who levy taxes and spend public money must be directly, separately and collectively responsible to all the electors the same as the members of local municipal councils. County councils would be much more responsible in their actions if they had to answer directly to all the electors of the county. When the county requires other local municipal councils to raise the money to pay for its policies, the county can be nothing less than irresponsible. This evil is doubly compounded when this is coupled with the fact that the urban municipalities in many counties have become the "milk cow" of the county. In our County, the same three municipalities referred to above have 56% of the assessment yet they have 12 votes. They pay 56% of the costs but have only 32% of the say. The rural municipalities which are the minority in population and the minority in assessment can load the bulk of the costs on the urban taxpayer. And to make matters worse, the urgent necessities of the urban municipalities can be frustrated or turned down by the majority votes of the controlling minorities. Let those who pay the piper call the tune. This is the fundamental principle of all responsible government.

17. Fourth, there is not one service provided by the counties at this time that cannot be provided by the Province in conjunction with the local municipalities. For example, the county road systems are too costly and too fraught with political jockeying to maintain them within county control. The development of transportation routes is so vital it should be under the direct control of the Department of Highways.

In their brief of March 20, 1961, the John Howard Society insisted that the administration of justice and in particular county gaols should be assumed by the Province. That the administration of justice can be successfully carried out by the Province has been proven by experience in the Provisional Judicial Districts where the administration of justice has been carried on by the Province for over half a century.

18. Local municipalities can and do join together better under their own initiative or under the gentle prodding of departments of the government to form high school districts and health units. Our Health Unit, which covers most of the South part of our County, is a fine example of a well run public service. This Unit was formed by the hard work and far sightedness of local municipal officials. Each municipality freely entered into an agreement to join the Unit and pay its share of the costs. This could be done in all other services now provided by the county.

19. The advantages of the abolition of county government are many. First, the costs of government administration would be reduced by eliminating a whole level of government. Secondly, there would be

more real local autonomy and control because councillors who are directly elected would be directly responsible. Thirdly, the local councils who levy the taxes would assume more direct control over expenditures. We see a great danger to-day in the fact that many, many people who spend public money are not directly answerable, and in many cases not answerable at all, to the electors.

Recommendations:

Recommendations are classifed under two headings - interim and long run.

Interim

(f) That section 26, R.S.O. 1960 of The Municipal Act be amended to give additional votes to the Reeve and Deputy-Reeve as the number of municipal electors increases above 3000, i.e. 3000 - 4000 municipal electors - 1 additional vote for Reeve; 4001 - 5000 - 1 additional vote for Deputy-Reeve, etc. etc.;

(g) That section 11, subsection 5 of The Municipal Act, R.S.O. 1960, be amended to allow towns to become cities at a population of 10,000 and townships to become cities at a population of 20,000.

Long Run

(h) That the county system be abolished and the Province and local municipalities assume the responsibilities now borne by the counties.

D. EDUCATION

20. The Council of the Town of Ajax is anxious to see the highest possible standards achieved in education. No one to-day could fail to see the need of a thorough education, both technical and liberal, for the sake of the nation and all mankind.

21. However, we do believe that there are certain areas where the Province could make economies and improve administration and in no way endanger the ideals set forth in the above paragraph.

Recommendations:

(i) That the Department of Education establish an architectural division to prepare economical and standardized designs for all types of school buildings to gain economy of design and to incorporate features which are essential in any school. Such standardization would aid contractors to build more efficiently and more economically;

(j) That the Schools Administration Act should be amended to limit the amount to a definite maximum that a Public School Board may spend for capital in any one year;

(k) That the Schools Administration Act be further amended so that a Public School Board is forbidden to attempt to add to a school and levy for it in one year;

(l) That the Select Committee recommend the intensive study of the advantages and disadvantages of a Province wide basic wage scale for all teachers;

(m) That in the case of District High School Boards, the Act be amended so that only the municipalities who have issued debentures to build the school and who pay for the annual expenditures have the right

to appoint members of the District High School Board. Why should county councils who have no financial obligations have the right to appoint members to a District High School Board? In many cases in our County, the Councillors do not even know the person they appoint. This is a ridiculous situation;

(n) That the Select Committee recommend to the Government of Ontario that a study be made of the advantages and disadvantages of the full cost of education being borne by direct taxes other than taxes on property.

SUMMARY OF RECOMMENDATIONS

A. HOSPITAL CAPITAL GRANTS

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(b) That hospital construction costs be paid for as follows -

(i) The existing Provincial and Federal grants be continued;

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B. PLANNING

(d) That the Provincial Government assume its responsibility by playing a more active role in directing the overall planning of the Province;

(e) That the Provincial Government and the Legislature as quickly as possible develop a Master Official Plan for the whole Province similar to ones now drawn up by municipalities. Such a Plan to be adopted into law and amended from time to time by the Legislature.

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(n) That the Select Committee recommend to the Government of Ontario that a study be made of the advantages and disadvantages of the full cost of education being borne by direct taxes other than taxes on property.

ASSOCIATION OF ONTARIO COUNTIES

To the Honourable Wm. K. Warrender, Q. C.,
Minister of Municipal Affairs.

ASSESSMENT

In accordance with the provisions of the Assessment Act, every Municipality annually returns an assessment roll which serves many purposes, among which are:

1. To equitably apportion among the rate payers the funds required by the Municipal council and all boards and commissions necessary to provide services for the inhabitants.
2. To apportion costs of local improvements and area taxes.
3. To apportion liability of costs between Municipalities.
   (a) The county level of government.
   (b) High school districts, public school areas, and other ventures where there are two or more participating Municipalities. This frequently involves local Municipalities in different counties.
4. To prepare the Municipal voters list.
5. To select Jurors.
6. To serve an additional and most important function in the apportionment of Federal and Provincial Grants between Municipalities.

Thus it is that the assessment roll is the very foundation of the Municipal structure, upon which the system of local government has been built.

Present Conditions:

1. Many Municipalities employ only a part-time assessor for reasons of economy or due to the limited volume of work.
2. Many full and part-time assessors are working without an office or proper place to keep Municipal records.
3. Many persons who are being employed as assessors are not qualified to perform the duties of this office.
4. Many different manuals and other yardsticks are used as guides to determine real property valuations.

Results of Present Conditions:

1. Flouting assessment law and related statutes.
   (a) Taxable properties entered on the roll as exempt.
   (b) Failing to make supplementary assessments at the proper time.
   (c) Omitting to assess business assessment.
   (d) Assessment rolls that do not contain all necessary information.
   (d) Failure to comply with some notices and forms.

2. Inadequate Records.

   (a) Omissions in the assessment roll.

   (b) Errors in the assessment roll.

   (c) Inadequate assessment valuations.

3. Different Manuals.

   (a) Problems of equalization within a county.

   (b) Difficulties in apportioning costs in a high school district, or for any other purpose where two or more Municipalities and possibly several counties are involved.

   (c) The necessity of spot checking assessments for Provincial Grants.

Past Legislative Enactments:

The Ontario Government recognized the need for improving standards, when in 1944 county councils were authorized to appoint county assessors to advise and supervise the local assessors and report annually to the county council. To encourage the appointment of county assessors, a grant of $1,500.00 was offered to counties making such appointments. Again in 1958 the Provincial Legislature amended the statutes to provide that a local Municipality may, with the approval of the county council, appoint the county assessor as the assessment commissioner or assessor of the local Municipality.

Although these enactments have undoubtedly encouraged improvement in assessment standards, they have failed to permit county councils to take the only practical step towards complete local, county, and ultimately provincial equalization of assessment and uniformity of rolls and records.

Recommendations:

1. That legislation be enacted to permit county councils to establish an Assessment Department under the direction of the county assessor, for the purpose of preparing an annual assessment roll by Municipalities, for all Municipalities within the county.
2. That the county assessment roll be used for levying all rates and be the basis upon which Provincial Grants shall be determined.
3. That copies of the appropriate portions of the county assessment roll, when finally revised, be returned to the local Municipal clerk for levying and collecting all rates.
4. Re Provincial Manual:

   (a) That the revised edition of the Department of Municipal Affairs' "Manual of Assessment Valuations" be made mandatory for use by

all county assessment departments.

(b) That the Assessment Branch of the Department of Municipal Affairs, or an appointed committee, review and revise the Assessment Manual from time to time as deemed necessary.

(c) That supplementary additions to the manual be published on all new types of construction as they become known.

5. That county courts of revision be made mandatory in all counties preparing an annual assessment roll.

6. That the Provincial Government provide additional subsidies to County Assessment Departments in an effort to further encourage the promotion of better assessment practices and provincial equalization.

Conclusion:

It is the opinion of the Inter-County Committee, on whose behalf this Brief is presented, that the above recommendations are both warranted and desirable in the interest of fair and equitable taxation between all classes of rate payers through Ontario.

Furthermore, it is believed that the implementation of these recommendations is the only direct approach to Provincial equalization of assessment, which is so urgently needed as a basis for the distribution of Provincial Grants and the apportionment of the cost of services where Municipalities in adjoining counties are involved.

ASSOCIATION OF ONTARIO COUNTIES

BRIEF TO THE SELECT COMMITTEE ON THE MUNICIPAL AND RELATED ACTS

LOCAL GOVERNMENT

We would respectfully recommend that the time has come to re-define the duties of the various branches of municipal government.

It is suggested in some quarters that local government is obsolete and should be discontinued. The Association of Ontario Counties would strongly oppose any move in this direction. We believe that all government began from local levels and many functions should remain as close to the people as possible.

The local interest in government is indicated by the formation on a large scale of Ratepayers' Organizations, Home and School Clubs, Parent Teachers Associations, Consumer Groups, Recreation Councils and many more organizations all sincerely seeking to improve local conditions and to bring pressure upon elected representatives.

The complaints received by elected representatives might indicate those matters which should be under local government, and conversely, the lack of comment by local people might indicate those things which should be controlled at a higher level of government. We recommend that the following matters be left in the hands of local government: street, road, sidewalk and curb maintenance; drainage of purely local nature; control of building and sub-divisions; weed and pest control; garbage collection and disposal; maintenance of public utilities; fences and fence-viewing; livestock protection; police and fire protection should be co-ordinated with neighbouring municipalities. We have suggested these services be operated under county authority, but local opposition to this seems to be most overwhelming at present.

COUNTY GOVERNMENT

1. (a) ASSESSMENT

In any move to strengthen county government the financial base must be the first consideration. We would recommend -

That all counties be encouraged to adopt a county assessment commissioner system under Sec. 93A and that the provision for a 100% approval of County Council be amended to require a majority of County Council;

That each county adopting Sec. 93A be given a grant on its approved assessment expenses;

That the method of levying taxes on business assessment be reviewed, since there is a great inequity in business assessment at the present time.

That industrial assessment be taken over by the Province and used for educational purposes since the inter-municipal struggle for industrial assessment prevents proper planning and proper co-ordination of municipal services.

That the Assessment Branch of the Department of Municipal Affairs be encouraged to give more leadership in assessing and assessment matters in the interest of equalization of assessment on a Provincial basis.

(b) TAXATION

With assessment under county control it would seem logical to expect that eventually the authority to tax would also rest with the County. This assumption may be somewhat premature, but the multiplicity of taxing bodies in Ontario should give us grave concern.

2. SUBURBAN ROADS AND COUNTY ROADS

The construction of all roads and bridges should be placed under county authority where proper technical knowledge and supervision is available. See Brief to Department of Highways from Association.

3. WELFARE

At present counties enjoy permissive legislation allowing them to set up consolidated welfare services. We would compliment the government on this forward step. We would recommend the following:

(a) That the Province subsidize the salary of a qualified county welfare administrator in order to encourage the establishment of welfare assistance at the county level.

(b) That the welfare administrator be under the direction of the county clerk.

(c) That permissive legislation be enacted to allow the inclusion of Child Welfare under county control in areas where this might be desirable.

(d) That the Ontario Hospital Plan be extended to cover the cost of home nursing services so that necessary care may be provided in many cases in the patient's home and thus relieve the necessity of constructing many additional hospital beds.

4. COMMUNICATIONS

Any proposal to establish a county police force or fire department in most areas meets with formidable opposition. However with the increasing demands of civil defence and the mutual aid agreements between municipalities for fire protection, it is felt that the most effective role of the County would be in the field of communications.

We recommend that counties be encouraged to establish central radio communications for all municipal police and fire departments. This facility would be of utmost value for Civil Defence co-ordination.

5. EDUCATION

In duscussing this important phase of local government we do not wish to convey the impression that we are opposed to education in any way. However, the ever-increasing burden of school costs, both primary and

secondary, on the taxpayer gives us ever-increasing concern. At present real estate bears a heavy burden of educational costs. In many municipalities educational costs have exceeded 50% of the total tax bill.

We seem to have worked ourselves into a vicious cycle of ever rising taxes and increased demands for services. The higher the tax bill the more service the ratepayer demands, thus forcing costs higher and higher. Increased government grants are not entirely the answer. Many times we have seen increased grants almost entirely devoured by the demands of the Teachers' Federation and the construction of new schools.

We would recommend the following:

(a) That industrial assessment on a provincial wide basis be pooled for educational purposes.

(b) That the province take over the entire educational system working out proper financing agreements with the Federal Authority; or

(c) That the administration of education, both primary and secondary, be placed in the hands of county wide boards and that consideration be given to the election of members of such boards.

(d) That library services be continued on a county basis.

6. PUBLIC UTILITIES

The task of supplying Ontario's growing communities and rapidly expanding population with adequate supplies of fresh and potable water is ever-increasing in magnitude and cost. Ground water supplies are becoming ever more difficult to find, rivers and small lakes become more polluted.

The Association of Ontario Counties would recommend that:

(a) A province-wide grid water system be established for the densely populated portion of Southern Ontario, taking water from the Great Lakes and piping it to selected locations. This could be operated by a provincial water

water commission.

(b) That county water commissions distribute this water to all smaller municipalities at the lowest possible cost.

(c) That counties be given the right to debenture for watermains and sewage disposal systems and sewers, in cases where small municipalities could not finance these undertakings.

7. PLANNING

Amendments to the Planning Act in 1962 names the county as a designated authority. The government is to be commended for making this change. Planning at this time is a very hard-ridden municipal horse and has two major deterents.

(a) It requires leadership. Planning must precede development, not follow it.

(b) It requires the spending of money.

Successful planning requires a joint and co-operative effort by council, planners and the public. Good public relations are absolutely necessary.

While it is recognized that not all county boundaries are the most desirable, still counties are recognized and are functional units of government. People have associated themselves with their respective counties for generations.

(a) The necessity for a larger unit of planning is recognized in all levels.

(b) The County forms a logical unit for planning purposes on a larger scale.

(c) If any planning is to be effective, the inter-municipal scramble for industrial assessment must be terminated. The province must control industrial assessment.

(d) A county-wide planning board should be able to lay out arterial roads for the benefit of the entire area,

plan municipal water mains and sewers, choose the most suitable locations for housing, parks, industry, and protect the interests of agriculture.

(e) Co-operation of city and county planning authorities must be encouraged.

8. ANNEXATION AND AMALGAMATION

The Association recommends that the Ontario Municipal Board do not hold a major annexation or amalgamation hearing until the opinion of the ratepayers of the municipalities concerned, entitled to vote on money by-laws, has first been taken and any such vote be a major factor in the decision of the Board. The Association also recommends the appointment to the Ontario Municipal Board of a member with County Government experience.

COUNTY AND CITY CO-OPERATION

The present urban-rural conflict of interest must be terminated. While at the present time any movement to bring the cities precipitously back into the county system would be most vigorously opposed, we believe that this must be a long-term objective for the successful administration of the more rapidly expanding portions of Ontario.

Counties and cities should be encouraged to co-operate on suburban and arterial roads, homes for the aged, health units, public utilities, planning and mutual agreements on fire protection and communications.

ASSOCIATION OF ONTARIO COUNTIES

Hon. Wm. A. Goodfellow,
Minister of Highways,
Parliament Buildings,
Toronto, Ontario.

Honourable Sir:

The Executive Committee of the Association of Ontario Counties respectfully submits the following comments and opinions with respect to highway matters.

1. Authority for Roads

It is suggested that the three levels of authority, namely, municipal, county and provincial, be retained.

(a) Municipal Function - Local municipalities including towns, townships, villages and separated towns should be responsible for general maintenance and roadside improvements, such as dust control, weed cutting, snow plowing, cleaning ditches and dragging and grading roads.

(b) County Function - Construction of all roads and ditches should be placed under County authority where proper technical knowledge and supervision is available to provide standards of uniformity and economy. It is recommended that permissive legislation be introduced to enable those municipalities to do so who are interested now in applying this area approach to road construction. It would give those who are reluctant to make the change immediately, the opportunity to study the proposal in operation.

(c) Provincial Function - Secondary provincial roads and inter-county roads should be placed under the Development Road Plan. These roads are built by Provincial authority and maintained by County authority with the land having been supplied by the County. It might be better to have the County construct the Development Road with a higher rate of subsidy from the Province.

2. Suburban Roads

(a) Area Authority - Suburban Roads should be placed under an area authority which would control all collector facilities - County roads and major streets within urban areas exclusive of highway connecting links and local streets. Generally speaking, the area might extend beyond County boundaries, but should include all cities within that area within the one road authority. This arrangement would improve the administration facilities within and around urban areas and would provide a more uniform standard of road services. It would tend to decrease the importance of County Road Committees and might, therefore, receive opposition from some County Councillors.

(b) Representation - The Area Road Commission should have representation from the County, separated urban municipalities and the Province. It could vary in size from five to nine members, the larger Commission for areas with more than one separated city. On a five-man board, two members would represent the County; two, the city; and the fifth member would be a Provincial representative. All members would be appointed for five-year terms (one appointment annually) by their respective elected bodies with one of the County members being a County Councillor and one of the City appointees being a member of City Council. Some consideration should be given to separated towns within the area, but it is not recommended that they should have representation on the Commission.

(c) Financing Procedures - It is suggested that the area authority be financed by provincial subsidy of 65% and the balance be raised by a levy on the equalized assessment of the city or cities and the county or parts of the county involved. It might be necessary to have the assessments equalized by arbitration. Perhaps the financial responsibilities of the County, City and Province could be graduated, with population serving as the basis for the calculations.

(d) Policy - It should be borne in mind, however, that a blanket policy on area roads to suit all circumstances in the Province of Ontario will be difficult to formulate. Special consideration will have to be given to areas where more than one separated city will be involved in the Area Road Authority. Some counties argue that there is nothing basically wrong with the present Suburban Road System which higher Provincial subsidies wouldn't correct. Because of this, it is recommended that the new legislation in this field be permissive only.

3. Financing of Roads

Real property should bear no greater proportion of road costs than necessary for proper servicing of the property and its inhabitants. It is suggested that property tax for road purposes has reached its limit and that additional revenues for road costs should come from user levies and provincial subsidies.

4. Co-Operation

Co-operation is the key word in proper road and street construction and maintenance. Permissive authority should be given to townships and small municipalities to pool their equipment for road purposes and to co-ordinate their road programs. It is not recommended that larger grants be paid to such municipalities which amalgamate for road purposes as this would tend to penalize the individual municipality which is operating an efficient program and chooses to retain its independent program.

Cities and counties, also, should be prepared to co-operate on regional or area roads. Such co-operation could increase efficiency and raise the standards of road service.

5. Road Reclassification

A reclassification of roads from provincial highways downward would be desirable. While the difficulties in such a program are recognized, it is suggested a study of this problem should be made. Where roads

presently exist on the highways system which have ceased to function as highways, they tend to be neglected and would be better incorporated in an area or county road program. Also, as more limited-access highways are constructed, former highways cease to serve their original purpose. Likewise, in many instances, roads which now form part of suburban or county road systems should revert to townships or towns.

6. Distribution of Revenues

(a) Assessment Study - Assessment should not be used as the absolute factor in determining Provincial road subsidies until a more uniform pattern of assessment has been adopted across the Province. Assessment should show the economic ability of an area to provide the necessary services for its residents, but since many inequalities exist at present, assessment is not a fair basis for determining grants. A study should be made immediately of the assessment pattern in Ontario to overcome these inequalities.

(b) Hardship Assistance - It is suggested that one of the responsibilities of the Province is to assist, with extra grants, those municipalities that are unable to provide a reasonable level of road service. No municipality should have to exceed X mill rate for road purposes. If a municipality has reached this pre-determined maximum mill rate, that municipality should be entitled to larger Provincial subsidies. The Development Road Plan is a great help to weaker municipalities and might be extended to meet additional situations.

7. Subsidy Items

It is recommended that Provincial subsidies be paid on gutters, curbs and storm sewers. The installation of these protect the road, cut maintenance and thus save tax dollars.

We very much appreciate the opportunity of submitting this brief and your consideration of it. The members of the Executive Committee would be very pleased to meet with you at any convenient time to discuss this matter further or to provide any additional explanations required.

Respectfully submitted on behalf of the Association.

Delby J. Bucknall, President
Association of Ontario Counties.

Court House,
St. Catharines, Ontario.

April 10th, 1962.

PRESENTATION TO SELECT COMMITTEE APPOINTED TO

ENQUIRE INTO AND REVIEW THE MUNICIPAL ACT

PRESENTED BY - THE CITY OF BARRIE

1. CLASSIFICATIONS OF MUNICIPALITIES:

The type of living of the majority of population in a municipality should designate its classification. Preponderance of farming should designate a rural municipality, and industrial and commercial should designate an urban municipality scaled to an appropriate size.

Urban living required urban standards for a healthy community and which could create a financial hardship on the legitimate farmer.

2. PLANNING

Where an official plan has been approved and is in effect for a municipality, it is recommended that no building be permitted within one mile in the adjoining municipalities unless an official plan covers such area or that such buildings to be erected is on not less than a 10 acre parcel.

3. GARBAGE DISPOSAL

The sanitary landfill method is an accepted practice for the disposal of garbage. In an urban municipality where most garbage is created it is at least a diminishing area that can economically be used.

It is recommended that upon the request of a municipality for a site in an adjoining municipality the Provincial Government, after due study, be empowered to authorize same, setting out the minimum standard of operation and same will be binding upon the effected municipalities.

4. WELFARE SERVICES

At the present time various welfare acts have varying qualifying periods. These should be regularized for simplicity in application. As the municipalities have to administer most of these, it should be left to the prerogative of the municipality if they want to establish a welfare department which would administer all welfare services including the Child Welfare Act.

5. ADMINISTRATION OF JUSTICE

In districts the full cost of administration of justice is a provincial responsibility but in counties the cost is a county and separated municipalities responsibility. Under the unconditional grant structure the latter municipalities receive $1.00 per capita towards the cost of same.

This year in Barrie, our share of the cost of Administration of Justice is $45,204.80 and the Unconditional Grant is $20,207.00 leaving a net levy against real estate of $25,117.80. If we were located in a district this $25,117.80 would be a tax levy.

May 29, 1961. [4]

TOWN OF BLIND RIVER

ONTARIO

OFFICE OF THE CLERK AND TREASURER

May 26, 1961.

P.O. BOX 640
TELEPHONE EL. 6-1111

Mrs. H. G. Rowan, Secretary,
Select Committee on the Municipal Act and
Related Acts,
Parliament Buildings,
Toronto 5, Ontario.

Dear Mrs. Rowan:-

Your circular letter of May 11/61 has been considered and, while we have no brief to submit, we do have two suggestions, as follows:

1) That all municipalities coming into being be required to enroll their employees in a pension plan.

2) That council have representation on school boards.

We would appreciate consideration of the above two suggestions.

Yours very truly,

G. W. Banning

Clerk-Treasurer,
CORPORATION OF THE TOWN OF BLIND RIVER

GWB:GW

REPRESENTATIONS OF THE CITY OF BRANTFORD
TO THE SELECT COMMITTEE OF THE ONTARIO LEGISLATURE
ON THE MUNICIPAL ACT AND RELATED ACTS

REPRESENTATIONS OF THE CITY OF BRANTFORD
TO THE SELECT COMMITTEE OF THE ONTARIO LEGISLATURE
ON THE MUNICIPAL ACT AND RELATED ACTS.

The following representations are submitted for the consideration of the Committee:

(1) Capital Costs - Public Hospitals
(2) Fire Department Act
(3) Marriage License Fees
(4) Municipal Act re Licenses
(5) Statute Labour Act

1. The introduction of the Hospital Plan and the Ontario Hospital Services Commission Act has created a problem for the City of Brantford in respect to Capital debt repayment and future expansion.

Prior to the adoption of the plan, the City of Brantford issued 20 year debentures as follows for construction purposes.

St. Joseph's Hospital $1,000,000.00, operated by the Sisters of St. Joseph.
Brantford General Hospital $2,207,000.00.

At the time, The Townships in the County of Brant were requested to sign agreements to provide payments for capital costs on a per user day basis. Agreements were reached with two (2) municipalities. Where no agreement was reached, the Hospitals collected a per diem surcharge for capital costs upon instruction of City Council.

This appeared to be satisfactory to all Councils concerned, although it was a collection problem for the Hospitals.

With the introduction of the Ontario Hospital Services Commission plan, no surcharge is permitted. The result was the termination of the existing agreements with the two townships.

As a result, meetings were held with County and Township Council members and a grant for capital purposes was made to the City by the County in the sum of $20,000.00 in 1959 and 1960 towards the capital costs for the Brantford General Hospital only.
(Representatives of the County sit on the Brantford General Hospital Board of Governors)

This would compare with the sum of $42,870.00 received in 1958 through agreements and surcharge, with an estimated bed occupancy of approximately 15%. Had the previous agreement continued, the sum of $40,956.26 in 1961 capital and interest charges repayment would have been received by the City.

This information is submitted as factual only, and not as criticism of the County Council, which has within its boundaries another Hospital. The present grants made by the County are made willingly, as a moral obligation.

However the chief conern is the future capital program for hospitals. The Brantford General Hospital Board is pressing for a nurses residence and training school. Hospital expansion may be necessary in the area in the not too distant future.

The City of Brantford has many demands upon it for needed capital projects, some of which must be deferred due to the debt position.

Therefore, the Special Committee is urged to consider legislation that will provide an equitable means of sharing municipal capital costs for hospital purposes on a County or area basis with a charge back to each municipality on a user day basis, based on the previous years use.

Realizing that hospitals receive bequests and public campaigns for funds are held which the Legislators would probably like to see continued. An alternative is suggested for immediate relief.
That is to convince the Federal Authorities to amend the regulations that prevent the levy of a surcharge for this purpose.

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2. Fire Department Act. Section 5 (1) of the Act excludes The Chief of the Fire Department from bargaining unit.

It is respectfully requested that the Deputy Chief of a department be also excluded.

It is our contention that a deputy in the absence of the Chief becomes Acting Chief and therefore the sole person responsible for management. That he should not be expected to represent management and also be a member of the Association.

In industry, it is common practice to exclude from the bargaining unit, foremen and those above that category.

This request received the support of the Ontario Municipal Association at its 1960 - 1961 Conferences

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3. Marriage License Fees. In view of the increased costs of issuing marriage licenses since the portion paid to municipalities was established and whereas the Marriage Act does not require every Municipal Clerk to issue licenses, it is respectfully requested that Section 38 of the Marriage Act be amended to provide that the issuer or the municipality shall retain $2.00 from the license fee.

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4. The Municipal Act. Consideration is requested for the enactment of a section that will permit municipalities to license magazine salesmen, etc., who go from place to place taking subscriptions for magazines, newspapers and periodicals.

The Municipal Act, R.S.O. 1960 Section 395 provides for licensing such salesmen on highways, while Section 399 provides for licensing salesmen, "who go from place to place etc, and who carry goods, wares or merchandise for sale, or carry or expose samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards.

Many magazine salesmen now carry only an order book and may not be licensed as pedlars.

It is important that the public have some protection against the occasional unscrupulous agent. Probably authority for bonding could be included.

It is suggested that the license fee for this purpose should not exceed $5.00

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5. Statute Labour Act, re Poll Tax. For many years the Municipalities have requested an amendment that would apply the poll tax to women as well as men.

The City of Brantford by-law applies the maximum tax permitted $10.00 to males in the age bracket as specified, 21 to 60 years.

It is reasonable to expect that women not assessed on the Assessment Rolls who enjoy all the municipal services should contribute to municipal revenues.

Therefore, the Committee is urged to consider amending the Act, or as an alternative, enacting legislation that will provide for a head tax of a similar nature.

CITY OF BRANTFORD

REG. COOPER
CITY CLERK

THE FOLLOWING IS A COPY OF CLAUSE 3 OF THE FINANCE COMMITTEE REPORT, ADOPTED BY THE CITY COUNCIL ON AUGUST 14, 1961.

3. That this Council endorse the following resolution submitted by the Council of the County of Halton. And that copies of this resolution be sent to the Department of Municipal Affairs, Province of Ontario, The Hon. W. Nixon M.P.P., Mr. G. T. Gordon M.P.P. and the Council of the County of Halton.

A RESOLUTION REQUESTING CERTAIN AMENDMENTS TO THE ASSESSMENT ACT.

The new trend in Commercial progress throughout Ontario, in recent years has introduced the "Community Shopping Centre", These Centres are comprised mainly of retail shops varied in design and in respect to the commodity dispensed, to attract and provide for the needs of the surrounding community. Each such centre includes an extensive improved open area for free customer car parking, which is considered as a necessary convenience to those who shop in a general way throughout the Centre. The Centres also include canopy covered Malls and Walks as protection and convenience for customers in passing from one shop to any of the others.

The above mentioned items, by being used to the general and common advantage of all lessees of the Centres, have been included in the business assessment, such assessed value being apportioned among the various lessees.

WHEREAS, as a result of decisions handed down by the Higher Courts in respect to appeals made by lessees against such business assessment, it has now become quite apparent that existing legislation does not include sufficient and direct wording as to indisputably rule Parking Lot areas, Malls and Walks as being liable for business assessment.

AND WHEREAS, the same Courts have referred to the Parking Areas, Malls and Walks as components of and necessary to the Centres.

AND WHEREAS, when such Parking Areas, Malls and Walks are ruled as Not being liable for business assessment they automatically qualify for the preferred mill rate.

Therefore be it resolved that the Council of the Corporation of Halton County do hereby seek the support of the O.M.A., by endorsing this resolution and that the Association will petition the Ontario Government through the Department of Municipal Affairs by requesting the sub-section (1) of Section (9) of The Assessment Act, R.S.O. 1960, Chapter 23, be amended by adding, in the last line, the following words "or for a proportionate part of land used by him in common with others", so that the sub-section shall then read as follows:

> Irrespective of any assessment of land under this Act, every person occupying or using land for the purpose of, or in connection with any business mentioned or described in this section shall be assessed for a sum to be called "business assessment" to be computed by reference to the assessed value of the land so occupied or used by him or for a proportionate part of land used by him, in common with others, as follows:

And be it further resolved, that in order to make possible and practical the implementation of the foregoing proposed amendment, and in an effort to forestall any action by way of appeals, which may be made by tenants of multiple occupied Commercial Buildings, in respect to vestibules, corridors, wash rooms etc., which are used generally and shared in common with others, that clause (6) of sub-section (1) of Section 20, of The Assessment Act, R.S.O. 1960, Chapter 23, be amended as follows:

After the words "assessed separately" in the sixth line, add the words "and each such assessment shall include a proportionate part of any areas shared in common with others", so that the Section shall then read as follows:

(6) Each subdivision shall be assessed separately, and every parcel of land (whether a whole subdivision or a portion thereof, or the whole or a portion of any building thereon) in the separate occupation of any person shall be separately assessed and each such assessment shall include approportionate part of any areas shared in common with others: provided that no portion of any building used or intended to be used as a residence shall be separately assessed unless it is a domestic establishment of two or more rooms in which the occupants usually sleep and prepare and serve meals.

_____ City Clerk.

Rec. 10/61.

CORPORATION OF THE TOWN OF BURLINGTON

426 BRANT STREET BURLINGTON, ONTARIO

Office of the Clerk Telephone NE 4-1841

November 9, 1961.

Mrs. H. G. Rowan, Secretary,
Select Committee on the Municipal Act and Related Acts,
Room 377,
Parliament Buildings,
Toronto 5, Ontario.

Dear Mrs. Rowan:

This is to advise you that the Council of the Town of Burlington no longer wishes to appear before the Select Committee on the Municipal Act.

However, the council would like the committee to consider the following resolution which was passed at a meeting held on November 6th last:

"THAT the Select Committee be requested to consider amending The Municipal Act to permit a municipality to enter into contracts for the operation of an ambulance service."

Yours truly,

Wm. K. Sims

Wm. K. Sims,

CLERK.

WKS/ar

June 22, 1961

BURLINGTON & SUBURBAN AREA PLANNING BOARD

REPORT NO. R-260 2 JUNE 1961

Brief to Select Committee on the Municipal Act and related Acts.

We have been asked to submit a brief to the above Committee if we so desire.

I have not been able to devote a great deal of time to this Report. However, the following ideas are submitted for the Board's consideration if they wish a formal brief to be submitted:

A. The Planning Act

(1) That Section related to the powers of a Planning Board when regarding land separations should perhaps be further clarified. It is not clear exactly what the powers of the Board are pertaining especially to road widening, possible dedication of monies for services, extra school costs, 5% for parks, etc.

(2) That Section related to the 5% dedication for parks, whether in land or money, needs further detailed study in order to have the 5% related to a population density and not just to total acreage.

B. The Assessment Act

(1) A definite policy should be included in the Assessment Act concerning land being held for speculation but which can not be developed for many years because of services, etc.

(2) The relationship between what the land is presently being used for, what it is zoned for, and what the official plan proposes for its use and the assessment of that land needs to be clarified in the Act.

WET/koe

Wm. E. Thomson, MA, AMTPIC,
Secretary Treasurer
and
Planning Director.

June 22, 1961

20th June, 1961.

Wm. K. Sims, Esq., F.C.I.S.,
Town Clerk,
Town of Burlington,
426 Brant St.,
BURLINGTON, Ontario.

Re: Select Committee on the Municipal Act
and Related Acts.

Dear Mr. Sims,

We would refer to your letter of 30th May 1961, with which you enclosed letter of 11th May 1961, in connection with the above.

Please be advised of the following resolution of Planning Board at its Meeting No. 15, 13th June 1961:-

RESOLVED - That this Board accepts Report R-260, as amended for submission to the Select Committee for information. CARRIED

We are enclosing ten (10) copies of our original Report No. R-260 of 2nd June 1961. The amendment to this report reads as follows:-

"A. The Planning Act

(3)Persons living outside of notice area should not be taken into account in decisions of Committee of Adjustment."

Yours very truly,
BURLINGTON & SUBURBAN AREA PLANNING BOARD,

WET/koe

Encls: as a/n.

Wm. E. Thomson, MA, AMTPIC,
Secretary Treasurer
and
Planning Director.

WM. G. MANNING, B.A.
COUNTY CLERK-TREASURER

COUNTY BUILDINGS
WHITBY, ONT

December 30th, 1960

Mr. T.D. Thomas, M.P.P.
80 Harris Avenue,
OSHAWA, Ontario.

Dear Sir:

Re: Appeals against Annexation Proceedings.

At the December Session of the Council of the Corporation of the County of Ontario, the following resolution of Middlesex County was endorsed :-

"THAT the Council of the County of Middlesex deplores and objects to the Legislation, provided by the Provincial Government, whereby annexation applications are considered and disposed of affecting a County in many important matters, without the right of appeal, and request that this legislation be amended as soon as possible, and that a copy of this resolution be forwarded to the Minister of Municipal Affairs, to the Members of the Legislature for Middlesex County and to other Counties in the Province."

Yours very truly,

COUNTY OF ONTARIO

W.G. Manning

Clerk-Treasurer.

WGM/eg

THE ASSESSMENT ACT.

Recommendations from the Council of the County of Ontario pertaining to the Assessment Act :-

93 a. - (1)

" The Council of a County may, with the unanimous assent of the members thereof, pass a by-law appointing a county assessment commissioner who shall have all the powers, duties and privileges under this and every other Act of an assessor, an assessment commissioner or a county assessor in respect of the county and the townships, towns and villages in the county and who shall be deemed for the purpose of this and every other Act to be the Assessor for each of such local municipalities..."

We respectfully suggest that the democratic principle of rule by the majority of Council should prevail. Therefore, we recommend that the words "with the unanimous assent of the members thereof" be deleted and the following substituted therefor :-

"with the assent of two-thirds of the total votes of the members thereof."

Furthermore, when the Council of a County appoints a County Assessment Commissioner under Section 93 a. of the Assessment Act, we recommend that consideration be given to the introduction of a grant schedule by the Department in order to assist in the establishment of a County Assessment Department and in the operation of same in order to promote uniformity of assessment throughout the Province of Ontario.

Also, we recommend that, in order to ensure uniformity of assessment on a Province wide basis, a Provincial Assessment Manual based on current values be authorized by the Minister and that provision be made for the revision of said Provincial Manual at regular intervals.

THE PLANNING ACT.

Recommendations from the Council of the County of Ontario with reference to the Planning Act.

Section 26. - Subsection 1 (c)

" the land is ten acres or more in area and the land remaining in the grantor, mortgagor or vendor abutting on the land conveyed or otherwise dealt with is also ten acres or more in area..."

The basic reason for the division of land into ten acre parcels is to circumvent the powers of the local Planning Board. If the Council of a municipality designates any area within a municipality as an area of subdivision control through the provisions of the Planning Act, we believe that the Planning Board should exercise complete jurisdiction over any division of land within the area of subdivision control.

Therefore, we recommend that Subsection 1(c) of Section 26 of the Planning Act be repealed.

Section 28. Subsection 5(a).

" that land to an amount determined by the Minister but not exceeding 5 per cent of the land included in the plan shall be conveyed to the municipality for public purposes other than highways, or, if the land is not in a municipality, shall be dedicated for public purposes other than highways; "

Subsection 8.

" where the land is in a municipality and an official plan indicating the amount and location of the land to be ultimately provided for public purposes, is in effect in the municipality, the Minister may authorize, in lieu of the conveyance for public purposes other than highways required under subsection 5, the payment to the municipality of a sum of money not exceeding the value of 5 per cent of the land included in the subdivision."

Subsection 9.

" Land conveyed to a municipality under subsection 5 shall be held and used by the municipality for public purposes but may be sold with the approval of the Minister."

Subsection 10.

" All moneys received by the municipality under subsection 8 and all moneys received on the sale of land under subsection 9, shall be paid into a special account and the moneys in such special account shall be expended only for the purchase with the approval of the Minister, of land to be held and used by the municipality for public purposes, and may be invested in such securities as a trustee may invest in under The Trustee Act, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account....."

Various authorities interpret the words "Public Purposes" differently in the above-noted Sections of the Planning Act. Therefore, we respectfully recommend that the words "Public Purposes" be defined in Section 1 of the Planning Act. Furthermore, we recommend that the definition include the sites and buildings for the following :-

(a) Community Centres

(b) Municipal Administrative Offices

(c) Fire halls

(d) Accommodation for Police Departments

(e) Accommodation for the Public Utility Commission

(f) Parks

(g) Municipal Cemeteries

(h) Sewage treatment plants

(i) Pumping stations and sources of water supply.

OFFICE OF THE
COUNTY CLERK - TREASURER

PEMBROKE, ONTARIO

October 23, 1961

Select Committee on the Municipal
Act and Related Acts,
Room 377,
Parliament Buildings,
Toronto 5, Ontario.

Dear Sirs:

The County of Renfrew submitted to you, in early September, a brief, with the notation that this brief was submitted in advance of County Council's approval and that you would be advised of any changes made by Council, when they met.

I regret to advise you that all the Clauses of the brief, except No. 2 - "Request for the Provincial Government to assume the entire cost of administering justice" were not approved.

However, I believe it only fair to say that the County Council felt there was much merit in these resolutions or requests and that the government should have a good long look at revising the municipal act, as it relates to Counties and municipalities.

Thank you for your consideration.

Sincerely,

E.M. Fraser

E.M. Fraser,
County Clerk-Treasurer

EMF/em

BRIEF TO THE SELECT COMMITTEE
OF THE
PROVINCIAL GOVERNMENT OF ONTARIO

The following five requests were discussed and passed by the Warden's Committee of The County Council of Renfrew. They are submitted to you in advance of County Council's approval because of your deadline of September 15th. However, when and if the County Council approves at our next meeting, or if any changes are made, we will then notify you.

1. We request legislation to make community planning compulsory at the County Level.

(Our thought is that this will not include the minute details of planning but more the overall setup to aid planning between adjoining municipalities)

2. We request that the cost of the Administration of Justice be entirely assumed by the Province, and that the Court House and Gaols become the property of the Province.

(The present conflict of responsibility, jurisdiction, and wage negotiations between the Province and the Civil Service Organization on the one hand and the County on the other, does seem unnecessary and avoidable.)

3. We request that consideration be given to having the High School Areas within counties amalgamated into one system under one ELECTED Board of Trustees.

4. We request that consideration be given to having County Councillors elected for a term of two years.

5. We request that consideration be given to amending section 93a of the Assessment Act to read "The Council of a County shall" and omit the following clause requiring 100%.

(The difficulty of many of the smaller municipalities acquiring competent help at a reasonable salary is well known.)

Warden's Committee of Renfrew County

Messrs. J.C. Simpson, S. Childerhose, J.L. Hodgins, K.B. McGregor, M.E. McNulty, I.R. Hoffman and G. Stoughton.

COUNTY OF WELLAND

THE ASSESSMENT ACT

Undoubtedly any brief suggesting a broadened unit of local administration by this or any other County Council will be labelled as an effort by the Counties to bolster an unnecessary form of government. Certainly bolstering is sought but not for selfish motives but rather for the common good of all. Metropolitan Toronto, regardless of its detractors, has surmounted a multitude of difficulties and has won the case in regard to a regional or metropolitan form of government, to the extent that greater Montreal, greater Winnipeg and areas in other counties are copying its concept of administration.

In recent years the Province of Ontario has witnessed the expansion of a number of municipalities through annexation and amalgamation. These have usually left behind drastically reduced minor municipalities often in most tightened circumstances. They have caused hurt and engendered bitterness. The hurt being financial and as often as not felt by the annexor as well as by the annexed. The bitterness arises from the loss of identity, the complete envelopment of local history and pride, and of course the ever-present fear that additional annexations may become realities in the not-too-distant future.

It is admitted that expansion should not be prevented provided it serves a good and useful purpose, but what have been the reasons for expansion and how well have they served a purpose? It is suggested that the main reason has been and is selfish. It has been expected that expansion will bring an increased status; a greater place in the state of municipal affairs; and a more lofty position to those running its business. These have probably been gained. The Board granting the expansion certainly could not stop progress especially if they could foresee accruing benefits, however it is suggested that the present method of annexation limits the Board's decision in that they deal with a specific application that does not permit setting up an economically and geographically sound unit. The main purpose of expansion should be that the larger unit will provide better administration on a broader taxation base, being economically self sufficient, and so laid out geographically that it will provide for future expansion and serve the social welfare of the people for generations to come. This purpose is not being served by the existing expansions. In almost every instance the experts studying and reporting on annexations have recommended wider expansion than that applied for. Additionally they have recommended that the need is present for an area, regional or metropolitan type of administration.

It is our opinion that the County as it is presently constituted could form the basis of a regional or area type of government encompassing all municipalities within its confines. Admittedly there may be reason for combining some

Counties or redefining boundaries so that they would be geographically sound. Precedent has been set in combing Counties and certainly new boundaries if required would be acceptable if done so by the Provincial Government.

This Sub-committee was appointed to examine and investigate the effect a regional type of administration would have on assessment and we report as follows:

Assessment, being the basis of all municipal taxation, should be on a much broader basis to ensure a more equitable distribution of the tax dollar, and to make certain that present provincial government grants are meted out properly. While it is not our intent to dwell at any length on those municipal administration matters that dove-tail in with assessment, we do believe mention should be made of the method of collecting taxes. It is our opinion that the collection of taxes is rightly a local municipal duty. We suggest that taxation for both local and regional purposes should be collected on the local level, similar in all respects to the method followed in Metropolitan Toronto.

The appointment of County Assessors has assisted in the establishment of a system of assessment that is acknowledged to be equitable and uniform within the powers as presently provided by the Assessment Act. It must be admitted however, that much room for improvement exists. This need could best be met by the creation of a centralized assessment administration with a staff of assessors working from a central office.

At present a County Assessor is appointed for the purpose of making uniform the method of preparation of the assessment rolls in the municipalities in a county and for the purpose of ascertaining whether the valuations of real property made by the assessors in each municipality bear a just relation one to another, shall supervise the assessment and advise the assessors and shall report thereon to County Council. These are very broad and exacting purposes and entirely unworkable unless the County Assessor can gain the full co-operation of all local assessors. He is continually faced with the problem of part-time assessors, assessors in two or more fields of municipal employment who cannot give assessment its rightful due, changing personnel many of whom have little knowledge of assessment or the ability to learn same, and the desire of other municipal employees to have the assessment rolls prepared in a manner contrary to the wishes of the County Assessor.

At the 2nd Session of the 26th Ontario Legislature Bill # 100, being a bill to amend the Assessment Act, was passed. Bill #100 contained a new section numbered 93A which permits a county council to appoint a County Assessment Commissioner. This type of appointment would meet the need of expanding the powers and worth of a County so far as it affects the municipalities presently within the County, but we suggest should have gone further and embraced the cities and separated municipalities lying within the said County.

This legislation would provide an answer to the present problems of county assessment, however it is our opinion that it should be broadened to include cities and separated municipalities in order that assessment within a county or other delineated area would be similar in all respects and would provide a common level upon which to collect taxes for the services it is felt would be better administrated on an area or regional basis.

In the committee's opinion centralized assessment which would include all municipalities within a given area would have the following advantages and disadvantages.

ADVANTAGES

(1) At present it is often difficult for municipal councils to secure qualified local assessment personnel to serve their needs even though the desire is to appoint a local man if possible. It is suggested that under regional assessment local men within the County could be more readily utilized as they could start off being trained as juniors and gradually brought up to the status of assessors providing a never-ending pool of local qualified assessors.

(2) The smaller local municipalities who employ one man part or full-time face serious difficulties when this employee is away from work for a lengthy period due to illness. Under regional assessment the hole caused by illness could be readily plugged.

(3) Centralized assessment would eliminate the problem faced by many of the smaller municipalities in their endeavour to hire capable, qualified assessment personnel on a part-time basis which the municipality can afford.

(4) It would eliminate the practise many municipalities of necessity must apply, that of shifting assessment duties on to some other official who has neither the inclination nor the time to give assessment the time, study and application it rightfully deserves.

(5) All personnel would be full-time, adequately paid employees devoting all their energies and talents to improving the standards of assessment.

(6) Instructions to the assessors could be more readily dispensed and the assimilation of given instructions more readily understood and put to use. Direct supervision of the assessors work should provide superior results. Pooling of knowledge, discussion of problems and the setting of policy regarding these special problems would greatly assist in attaining a better assessment standard.

(7) One standard of assessment would be in effect in all municipalities ensuring that all taxpayers within the area would be taxed on an equitable basis. It would be possible to rotate assessors from municipality to municipality which would insure more equitable values as each assessor would, in effect, be checking anothers work, reducing as a result, the margin of error and in addition averting the pressure of local influences.

(8) Economy, which is a major consideration only so long as it does not affect efficiency, should be realized. Standard supply purchases would be made in quantity resulting in more advantageous prices. Duplication of equipment would be eliminated. Salaries, while individually higher, collectively would be less, due to a reduced number of assessors, the quality of the men employed and the devotion of their full-time to assessment duties.

(9) Those municipalities presently handwriting assessment rolls, collectors rolls, assessment notices etc. would have these items printed for them by the mechanical equipment at the central assessment office. These items would be easily read and understood and would be standardized for all municipalities.

(10) At present much of the information required by the provincial government and other purposes is difficult to find in the rolls of many municipalities due to the lack of uniformity in preparation. Under centralized assessment, and the use of standardized methods and materials this could be clearly set out and easily secured.

(11) Continuing data and statistics so necessary to a proper assessment could be more easily kept, wider in its scope and certainly of more benefit than it is at present. It is disheartening to find that with changing assessment personnel on the local level, much valuable information and records are either lost or destroyed and it is often impossible to duplicate them.

(12) Centralized assessment would provide that Voters Lists and statistical information could be provided much earlier than at present. The rolls of the municipalities would be returned at various periods prior to the present return date of September 30th.

(13) A centralized assessment office could better handle the numerous queries relative to ownership, land descriptions and assessed values made by law firms, credit bureaus, etc. This would remove a nuisance service from the local municipalities and provide better facilities for collecting fees for same if the Statutes ever permit same.

DISADVANTAGES

(1) Local autonomy, so far as assessment is concerned, will be said to have been lost. Such is not the case. Little local autonomy exists in regard to assessment except the hiring and firing of personnel and setting up the workday and holiday periods. The assessor's duties are statutory and he must act in accordance with the provincial statutes concerned therewith.

(2) Present assessment personnel may wonder how they can be absorbed in the centralized assessment office. While it is admitted less staff will be required it is also evident that with the number of assessment personnel presently occupied in more than one municipal office it is likely that many of these will not wish to remain in assessment. It is also true that many assessors have reached or are approaching retirement age and would not consider appointment to the centralized staff. It is our opinion that it will be necessary to seek additional staff to that presently employed in assessment.

(3) The local municipalities may say we have excellent space at present for our assessment staff. If assessment is centralized what do we do with the extra space that has been provided at a substantial cost? It is suggested that municipal government is becoming more and more exacting and more and more staff are required to perform the duties required. This extra space will soon be utilized by other than assessment personnel, and probably at a saving to the municipality as it will not then be necessary to institute large scale building expansions to house employees.

COUNTY OF WELLAND

THE PUBLIC LIBRARIES ACT

The Special Committee appointed by County Council to study ways and means for improving library services to rural residents of this area would like to present the following recommendation:

That the Ontario Government authorize the establishment of a Provincial Advisory Council for Public Libraries.

NEED FOR AN ADVISORY COUNCIL

There are many sound reasons for setting up such an organization.

(1) A study of library structures in Canada and the United States reveals that the majority of States in the United States and Provinces of Canada already have placed the responsibility of library operation in the hands of Commissions or Provincial Boards. Conversations with people from areas having this type of library government reveal that this system provides efficiency and dispatch in all matters of provincial concern.

(11) An Advisory Council could give invaluable assistance in the preparation of legislation governing libraries of this province. Trustees who have an intimate grasp of local conditions are in a position to advise on the kind of legislation that would be both progressive and realistic.

(111) In the past, when local library boards were faced with seeking alterations in the Library Act, they had recourse to two avenues.

(a) They could bring these matters to the attention of the Director.
(b) They could make direct representation to the Minister of Education or his Deputy.

Such procedures have obvious weaknesses.

(1) The special changes advocated by one or two local library boards may not fit the best interests of libraries generally.
(11) To add weight to requests, proposed petitions to the Minister are often circulated among library boards for approval before presentation. Often months and even years may elapse before the final draft reaches authorities capable of taking appropriate action.

When the second method is followed, representatives of library boards, business and professional people, approach the Minister directly. This calls for sacrifice of time on the part of governmental personnel and private individuals that both can ill afford.

An Advisory Council to which such matters could be directed, could examine each item carefully and provide sound judgement on the appropriate action to be taken. Besides relieving the Minister of onerous and time-consuming duties, such a body would assist in providing quick decisions.

(IV) The Director of Library Services for Ontario appears to occupy a difficult, if not untenable position. On the one hand, he must try to give Library Boards assurances of relief from grievances and promises of improvements; on the other hand, as an employee of the Department of Education, he is the sole advocate to his employer through whom changes can be brought about. Surely, his position would be strengthened immeasurably had he the support of an Advisory Council. Not only could members of this body assist in persuading government officials of the need for alterations, but when new legislation is introduced, they could provide good service influencing members of municipal library boards to see its benefits and advantageous application at the local level.

These are but a few representative arguments that can be put forward in favour of the appointment of an Advisory Council for Libraries in Ontario. There are many others. It is the belief of the Welland County Special Committee on Library Services that such a progressive step would bring about a marked improvement in the development and operation of libraries in this province.

Since local boards as presently constituted are responsible for the financing and operation of Libraries, it would seem logical to have an Advisory Council composed of appointed Trustees.

It seems hardly necessary to add that this recommendation does not imply or suggest any criticism of the Department of Education or the Director of Library Services for Ontario.

WELLAND COUNTY
Brief on The Assessment Act
&
The Libraries Act

May 26, 1961

C. H. THOMPSON
COUNTY CLERK-TREASURER

COUNTY BUILDINGS,
WELLAND, ONTARIO

May 24th., 1961.

Mr. Hollis Beckett, Q.C., M.P.P.,
Chairman,
Select Committee on The Municipal
Act and Related Acts,
Room 377, Parliament Buildings,
TORONTO 5, Ontario.

Dear Sir:

The following resolution was adopted by the Council of the County of Welland at the May Session.

" Moved by Dep. Reeve H. Clarke
Seconded by Dep. Reeve M. Tartaglia
THAT the section of The Secondary Schools Act requiring County Councils to pass by-laws setting up High School Districts and revising or deleting of same be abolished and that only the municipalities concerned be required to pass such by-laws.
AND THAT this resolution be forwarded to the Minister of Municipal Affairs, the Minister of Education and to The Select Committee on The Municipal Act for consideration and to the local members of the Provincial Legislature and all other County Councils in Ontario requesting their concurrence and to the Ontario Municipal Association for presentation at the annual convention. Carried."

Please advise me of any comments you may care to make on the above resolution.

Yours very truly,

C.H. Thompson,
Clerk-Treasurer.

c.c. -
Honourable Wm. K. Warrender, Q.C.
Honourable J.P. Robarts, Q.C.,
Mr. E.P. Morningstar, M.L.A.
Mr. G. Bukator, M.L.A.

- THE ASSESSMENT ACT R.S.O. 1960. Chapter 23 -

Suggestions re Amendment of the Assessment Act

by Welland County Council

This portion of our brief has been devoted solely to the Assessment Act R.S.O. 1960 together with amendments thereto as enacted at the 1961 sitting of the Legislature.

We would respectfully bring to your attention that being laymen we have not attempted to couch our recommendations in legal terms or phraseology.

In general the recommendations made have reference to the heading of the particular Section only. The exception is Section 1 which of necessity covers the whole of the Assessment Act, and other Acts which interpret words or phrases for assessment purposes.

It will be noted that we have endeavoured to keep the word content to a minimum and in so doing may have neglected to cover the material to your complete satisfaction. If this be so, we would welcome the opportunity of elaborating verbally thereto at this time.

We wish it clearly understood that despite our numerous recommendations we believe the present Assessment Act to be good and workable legislation. Stream-lining is undoubtedly needed to meet current conditions and additionally it could be divided into two distinct sections, one devoted to assessment and the other to taxation.

Section 1 - Interpretations

It is noted that while this Section provides for the interpretation of some words contained in the Assessment Act, it is also found that further interpretations are scattered throughout the Act.

We are also given to understand that the assessor must work with other interpretations in various other Acts e.g. The Interpretation Act, and Municipal Act. It would appear that the work of the assessor would be facilitated if all interpretations necessary to his duties were to be contained in Section 1.

We would further suggest that expansion of the words interpreted is necessary such as "Agent", "Contractor", "Farm", "Farmer", "Manufacturer", etc.

Section 4 - Exemptions

S.S. (3) Provides for exemption of all cemeteries or burying grounds excepting those that fall within the confines of clauses (a) and (b) of the said subsection. We suggest this legislation is too broad in that it fails to recognize the highly commercialized status of some types of cemeteries or burial grounds. We feel this commercial type of operation should not receive exemptions. We would therefore recommend that Section 4 subsection (3) be so re-worded as to delete this type of operation from exemption and additionally should be made liable to business assessment under Section 9 of the Assessment Act.

S.S. (8) It is our opinion that toll roads, toll bridges and toll tunnels, which are revenue producing even though owned by the Crown, should be assessable and taxable.

We are also of the opinion that the list of exempt properties should be re-examined and if possible many should be removed from exempt classification.

Section 9 - Business Assessment

The Business Assessment Section of the Act appears most inequitable and confusing. It is our opinion that the many differing percentages shown would provide more equity if they were to be consolidated into three or four more realistic percentages. We cannot see why all manufacturers regardless of the product should not be on the same basis and that wholesalers who in effect are selling to retailers similarly to the manufacturers should not also be at the same percentage as manufacturers. It is further our opinion that assemblers and processors should be considered manufacturers for purpose of this Section.

Dealers in finances whether they be banks, loan companies, brokers etc. should be at the highest percentage and we suggest 100% rather than the present 75%.

The professional category should be enlarged to include many who have been omitted therefrom and we suggest the listing should be alphabetical.

Retail merchants regardless of the size of population should have the same business percentage applied.

We further suggest that no business assessment percentage be less than 30% and that the minimum business assessment of $100 be increased to at least $200. The present minimum is unrealistic and the cost of collecting is often greater than the return received.

Section 10

It is our opinion that telephone and telegraph company assessments under the provisions of Section 10 should be based on gross receipts in all classes of municipalities providing greater equity of application.

Section 13

We recommend that limitation of taxation provided by this Section should be removed.

Section 20 s.s. (1) 9.

We suggest that where a woman is designated as an owner or tenant of property that her husband if any be designated as tenant rather than M.F.N.C. This would assist in preparing for municipal elections, would not disqualify males from standing for public office and would carry on the tradition that the male is normally considered to be the head-of-the-house.

S.S. (2) - We are advised that it is often difficult to set up an assessment roll in conformity with the various columns listed in this subsection, particularly when mechanical equipment is used to prepare the roll. We suggest that the form of this subsection may be varied to meet conditions providing the generality of the information is adhered to. We further suggest that sample rolls for mechanical equipment be distributed to all municipalities by the Dept. of Municipal Affairs so that some conformity of preparation can be realized.

Section 32

S.S. (1) & (2) Could be included in one S.S.

S.S. (3) & (4) " " " " " "

Section 35

S.S. (1) - We note the words "shall be assessed at its actual value". It is apparent that assessors are giving many interpretations as to what is actual value. We know many work to a value year but this usually is so out-of-date that assessed values have little

relationship to current values. It is our opinion that if a realistic value related to current values was used it would provide the taxpayer with a fairer means to compare this assessment, would give the assessor a better opportunity to equalize his values, would give a truer picture of a municipality's assets and financial standing, and would provide fairer tax rates than presently exist. Leadership in assessing at actual value should naturally come from the Department of Municipal Affairs which would probably necessitate a revision of the Department Manual of Values to more realistic current values and making its use compulsory in all municipalities.

Section 39

It is our opinion that this legislation should be removed. While it provides for a fixed assessment in the first instance, in effect it is creating an indebtedness to the golf course that may be impossible to remove. Granted the municipality may recover the lands in time because of the indebtedness but this may be at a financial loss to the municipality. In the interim the bookkeeping and recording can be substantial and we believe with no satisfactory result being served.

Section 40

We suggest that companies assessed under this Section should provide the assessor with the necessary information so that he may properly assess same. This should be provided for by an annual return by the company of all assessable property owned, particularly the lengths and sizes of property that would be difficult for the assessor to ascertain in any other manner.

Section 41.

S.S. (6) - If a municipality is depreciating beyond the year 1940 for other types of property it is only fair that it should depreciate pipe line accordingly.

S.S. (7) - Under Section 35 we mentioned that at present assessors are using many different valuation base years. We feel therefore that the assessment of pipe lines should be adjusted to the value year used for equity of all assessments. The answer of course is to have one base year for all municipalities that is realistic to to-day's value and to assess pipe lines in accordance therewith.

Section 43

Assess public utility commissions in the same manner as is provided under Section 35. In effect they are so assessed at present but it does not state so in that many words.

Section 46

The word "steam" should be removed.

Section 47

Assessments of properties do not normally change annually except by reason of addition of property thereto or deduction of property therefrom. It therefore seems unnecessary to set up a quinquennial assessment for railways. We suggest deletion of this Section.

Section 51

It seems reasonable to suppose that municipal officials other than the clerk may become aware of errors or omissions in the assessment roll, and these others should of necessity have to report same to the clerk in order that the roll can be satisfactorily adjusted by the court of revision.

Section 53 & 54

It is our opinion that the assessor should prepare supplementary rolls to assist the clerk in these duties.

Sections 60, 61, 62 & 63

It appears to us that Section 63 would be the only court of revision required for cities if the population figures were removed.

Section 64

Provide a choice of a three or five man court of revision and definitely make the appointment from other than council members.

Section 65

We also suggest this should be a three or five man court of revision as deemed necessary by the county council concerned.

Section 65A

We suggest counties who have a by-law in effect under Section 93A should be able to provide for one court of revision similar to Section 64. This would provide the court with continuity of thought and application of decisions from one municipality to another.

Section 75

S.S. (5) - It is suggested that the clerk also give notice to the assessment commissioner, assessor and to the county assessor.

Section 93A

At present the application of this Section requires the unanimous assent of the members of county council to pass a by-law appointing a county assessment commissioner. Most county councils consist of twenty or more members and from common experience it is seldom if ever that they will vote unanimously on any given question. We suggest therefore that Section 93A S.S. (1) be amended by removing the words "with the unanimous assent of the members thereof," and inserting in lieu thereof the following "with the assent of not less than 75% of the members."

We further request that another paragraph be added to this section to permit Counties to appoint an Assessment Commissioner where requested by two or more municipalities within the County framework. This Commissioner to have all the powers provided under present Section 93A for the municipalities requesting his appointment and the costs of these services be assessed by the County against the municipalities involved.

Section 111

S.S. (1) - With rising costs and the adjustment of the dollar value it is suggested that the minimum tax of &6.00 be increased to the amount of $10.00.

Section 119

The fee for a simple tax certificate should be increased to .50¢, but if an apportionment of property is necessary to provide such a certificate the cost of this additional work shall be levied in accordance with the time required and the work entailed.

Section 119A

We suggest a new section be provided which would permit a municipality to charge a fee to credit agencies and others who request information regarding the names of owners, assessed valuations, and other assessment details.

Reason - Requests of this nature are increasing rapidly and drastically cut into the assessor's time. The agencies charge fees for the reports prepared from the information and it seems reasonable that a portion of this should be paid to the municipality providing the service.

Section 244

As this provides for striking off uncollectable taxes we believe it should be properly re-located as part of Section 131 of the Act.

Section 245

Deals with the payment of grants in lieu of taxes on Government of Canada lands and should properly be re-located at the end of Section 34.

THE PUBLIC LIBRARIES ACT

The Special Committee appointed by County Council to study ways and means for improving library services to rural residents of this area would like to present the following recommendation:

That the Ontario Government authorize the establishment of a Provincial Advisory Council for Public Libraries.

NEED FOR AN ADVISORY COUNCIL

There are many sound reasons for setting up such an organization.

(1) A study of library structures in Canada and the United States reveals that the majority of States in the United States and Provinces of Canada already have placed the responsibility of library operation in the hands of Commissions or Provincial Boards. Conversations with people from areas having this type of library government reveal that this system provides efficiency and dispatch in all matters of provincial concern.

(11) An Advisory Council could give invaluable assistance in the preparation of legislation governing libraries of this province. Trustees who have an intimate grasp of local conditions are in a position to advise on the kind of legislation that would be both progressive and realistic.

(111) In the past, when local library boards were faced with seeking alterations in the Library Act, they had recourse to two avenues.

(a) They could bring these matters to the attention of the Director.
(b) They could make direct representation to the Minister of Education or his Deputy.

Such procedures have obvious weaknesses.

(1) The special changes advocated by one or two local library boards may not fit the best interests of libraries generally.
(11) To add weight to requests, proposed petitions to the Minister are often circulated among library boards for approval before presentation. Often months and even years may elapse before the final draft reaches authorities capable of taking appropriate action.

When the second method is followed, representatives of library boards, business and professional people, approach the Minister directly. This calls for sacrifice of time on the part of governmental personnel and private individuals that both can ill afford.

An Advisory Council to which such matters could be directed, could examine each item carefully and provide sound judgement on the appropriate action to be taken. Besides relieving the Minister of onerous and time-consuming duties, such a body would assist in providing quick decisions.

(IV) The Director of Library Services for Ontario appears to occupy a difficult, if not untenable position. On the one hand, he must try to give Library Boards assurances of relief from grievances and promises of improvements; on the other hand, as an employee of the Department of Education, he is the sole advocate to his employer through whom changes can be brought about. Surely, his position would be strengthened immeasurably had he the support of an Advisory Council. Not only could members of this body assist in persuading government officials of the need for alterations, but when new legislation is introduced, they could provide good service influencing members of municipal library boards to see its benefits and advantageous application at the local level.

These are but a few representative arguments that can be put forward in favour of the appointment of an Advisory Council for Libraries in Ontario. There are many others. It is the belief of the Welland County Special Committee on Library Services that such a progressive step would bring about a marked improvement in the development and operation of libraries in this province.

Since local boards as presently constituted are responsible for the financing and operation of Libraries, it would seem logical to have an Advisory Council composed of appointed Trustees.

It seems hardly necessary to add that this recommendation does not imply or suggest any criticism of the Department of Education or the Director of Library Services for Ontario.

SUBMISSION OF THE COUNTY OF WENTWORTH

to the

SELECT COMMITTEE ON THE MUNICIPAL ACT AND RELATED ACTS

TO: Mr. Hollis Beckett, Q. C., M. P. P., Chairman,
and the Members of the Select Committee on the Municipal Act
and Related Acts.

Gentlemen:

The Council of the County of Wentworth appreciates the opportunity of presenting its opinions on amendments to the Municipal Act and Related Acts and commends the Provincial Authorities for appointing a Committee to make a thorough study of proposed amendments to these Acts.

This submission concerns the Assessment Act, Chapter 23 of the Revised Statutes of Ontario, and proposes amendments in an endeavour to improve, modernize and simplify this legislation governing assessors in the Province of Ontario.

The following schedules are attached.

A. Proposed amendments to Sections 4 to 131 inclusive with the exception of Sections 35 and 37, approved by Wentworth County Council.

B. Alternative suggestions for amending Section 35 considered by the Assessment Committee of Wentworth County Council.

C. Recommended amendments to Sections 35 and 37 of the Assessment Act as approved by the Assessment Committee of Wentworth County Council.

D. Recommended amendment to Section 35 of the Assessment Act as submitted by the Council of the Township of East Flamborough.

E. Recommended amendment to Section 35 of the Assessment Act as submitted by the County Representatives of the Township of Glanford.

F. Recommended amendment to Section 35 of the Assessment Act as presented to County Council by Warden Leslie Couldrey.

All of which is respectfully submitted on behalf of the County of Wentworth and the Townships of East Flamborough and Glanford.

Chairman, County Legislation Committee

"A"

PROPOSED AMENDMENTS TO SECTIONS 4 TO 131 INCLUSIVE WITH THE EXCEPTION OF SECTIONS 35 AND 37, APPROVED BY WENTWORTH COUNTY COUNCIL

a) Section 4 (3) - Exempts from taxation every place of worship and land used in connection therewith, including cemeteries or burying grounds.

Parish Halls. The inclusion in this exemption of lands used in connection with places of worship has been interpreted to include parish or church halls.

Since many, but not all, of these buildings are used largely for purposes other than religious education, consideration should be given to clarify this situation and the legislation amended accordingly.

b) Cemeteries. This exemption includes commercial burying grounds which are being operated by individuals or corporations for the purpose of profit. Not only are these cemeteries exempt from realty taxes, but also from business assessment and taxation.

This section should be amended to exclude from exemption all land and buildings used for purposes of cemeteries or burying grounds, where the same are being operated for the purpose of profit.

c) Section 4 (17). Machinery. Exempts from taxation all machinery and equipment used for manufacturing or farming purposes, etc.

Paragraph 3 of subsection (1) of section 20, exempts the value of the said machinery from being entered upon the roll.

The valuation or assessing of machinery and equipment is a difficult and complex problem, which as a result of inadequate information has developed into a haphazard arrangement whereby certain equipment and machinery is assessed, while others equally liable to assessment are not assessed.

In an effort to overcome this situation, many businesses correctly described as processers, where the machinery is assessable, have been assessed as manufacturers so that the equipment does not have to be valued.

Serious consideration should be given to amending this section in a manner that will insure equitable application.

d) Section 4 (18). Exempts from taxation one acre used for forestry purposes for every ten acres of the farm. A limitation is provided amounting to a maximum exemption of twenty acres under single ownership in any one municipality.

Prior to amendments to this subsection in 1953 and 1954, the exemption applied only to woodlands when they were fenced and not used for grazing cattle. Under the present wording of the legislation the exemption is extended to the lands of commercial Christmas tree growers.

The purpose of this exemption should be studied with the aim of clarifying the intent. Land used for the growing of Christmas trees should be clearly excluded from any exemption. The meaning of "for forestry purposes" should be defined in the section.

e) Section 9. Business Assessment. The business assessment section of the Assessment Act creates many unjust and completely unrealistic business assessments.

There are old lines of business which have never been specifically mentioned; as for example, the funeral homes, which as a result of this omission are assessed at rates ranging from 25% to 50% in various municipalities.

Some types of businesses, such as the transporting of gas and oil, etc., through pipe lines have been by legislation exempted from any liability to be assessed for business assessment on at least a part of their real property. Other businesses have been exempted from paying a business tax through inadequate legislation. An example of this situation is the land used for parking at shopping centres and plazas.

Generally there appears to be no equity of business assessment between the various classes of business, their volume of trade which can normally be expected, and the size and value of the premises required for the particular type of business.

The entire principal of levying a business assessment must be reviewed by considering the necessity, desirability and equity of this form of levying and collecting taxes.

Municipalities with large commercial and industrial assessments have grown to depend upon monies levied upon business assessments and would be severely jeopardized if the source were cut off.

A new method embracing the same principle of a uniform business assessment considering the size and type of premises and the volume of business should be developed.

f) Section 9 (8). Minimum Assessment. This section provides that when a business assessment is calculated to be less than $100.00, a minimum assessment of $100.00 shall be used.

Many small and often lucrative businesses are being conducted from the proprietor's residence. In many instances the area of the home used for business is relatively small and produces only the minimum assessment. As these businesses are in competition with others operating from stores and offices with substantially higher business assessments, consideration should be given to increasing the present minimum.

g) Section 9 (9). Part Business - Part Residence. This paragraph provides that only that portion of a residence used for business shall be liable for a business assessment, other than a person assessed for business under paragraph (g) of subsection (1). Paragraph (g) of subsection (1) provides that the business assessment of any person named in that section who uses a part of his residence for his place of business shall be taken to be 30% of the residence.

Some persons assessed under paragraph (g) of subsection (1) are actually using 95% of the residence as a place of business, while others use less than 5% as a place of business. It is purely hypothetical to name any percentage in this manner and accordingly this part of subsection (1) (g) and the relevant portion of subsection (9) should be deleted.

h) Section 9 (11). Farms and Market Gardens. Exempts from business

assessment rooming houses, farms, market gardens, nurseries, etc., keeping of bees for the production of honey or the raising of animals for the production of fur.

The increased costs of farm machinery, modern production methods and economic conditions have caused many changes in the farming industry over the past several years. The management and operation of many fowl, hog, beef, dairy and garden crop farms are being taken over by feed suppliers, packing houses and canners, with the result that it becomes increasingly difficult to ascertain where, for example, the feed business stops and the farming commences. Moreover, it is questionable whether contract feeding of hogs and fowl, etc., can be described as farming, when little or none of the feed is produced on the farm. Similarly it is questionable whether the raising of broilers, fowl for eggs, and feeding of hogs, etc., on one or two acre lots can be considered to be farming.

For these reasons it is imperative that the words "farm", "farmer and "farming" be clearly defined in the Assessment Act for the intent of this section.

i) Rooming Houses. A "rooming house" is a building or portion thereof, where the proprietors occupy at least 10% of the floor area as his residence, and rents rooms, etc.

Hotels, motels and rooming houses where the proprietor occupies less than 10% of the floor area are liable to business assessment. However, there are other names for the same general business of providing accommodation, such as tourist homes, overnight or housekeeping cabins, apartments and apartment houses, and homes or houses for rent, all of which create much confusion respecting their liability to business assessment.

Clarification in the Act of what is liable and what is not liable to business assessment would eliminate the existing confusion and inequality of business assessment on these various properties.

If a business tax is not practicable on all of these various categories of business providing accommodation, an alternative

such as an occupancy tax might be considered desirable as a suitable means of equalizing the tax structure of these types of properties against which no business assessment is levied.

j) Sections 10 & 11. Telephone and Telegraph Cos. These sections of the Act set out rates for the assessment of circuits, including poles, structures and conduits of telephone and telegraph companies.

Wherever rates or valuations are set out in the legislation, some provision should be made, first, for their revision every five years or less, and secondly, for the adjustment of said rates to the local level of assessment.

k) Section 20. Assessment Roll. Section 20 provides for the preparation of the assessment roll and includes a list of all information which the assessor should set down in the said roll. There are in all some thirty-one columns required to be contained thereon.

Mechanical Roll. Subsection (5) of section 20 lists several minor variations which may be used to facilitate the use of mechanical methods of preparing the roll.

While there is no problem in preparing a hand written assessment roll of unlimited columns, it is impossible to adopt available mechanical equipment to obtain the necessary number of columns. The only alternative is to combine several columns on the mechanically prepared roll and prepare a hand written summary containing all the required columns. As the number of mechanically prepared rolls is rapidly increasing, it is imperative that section 20 be amended to facilitate their use.

l) Section 21. Rules. This section authorizes the Minister, subject to the approval of the Lieutenant Governor in Council, to prescribe rules for the guidance of assessors.

With the increasing dependence of municipal corporations upon provincial grants, calculated on the local assessment as equalized by the Department of Municipal Affairs, it is evident that a

uniform basis of assessment through the province is desirable. Not only is this desirable, but it is imperative where adjoining municipalities both within a county and in adjoining counties share the cost of joint services, such as high schools, apportioned on the equalized assessment.

Equalization will never become a reality as long as assessors are permitted to use various rules, guides or assessment manuals of their choice. No doubt many of the manuals presently in use are good; however, until one manual is selected or prepared and its use made mandatory under the provisions of this section, provincial equalization will never become a reality.

m) Section 41. Transmission Pipe Lines. Section 41 of the Act provides for the assessment of transmission pipe lines. This section of the Act also sets out the rates at which the said transmission lines shall be assessed.

Provision should be incorporated into this section to permit adjusting of the rates per foot to the local level of assessment.

n) Section 47. Quinquennial Railway Assessment. This section provides that when an assessment has been made on railway lands under section 46 the amount as finally revised shall be the amount for which the company is assessed for the next four years, excluding any new buildings, etc.

This provision can create an unequitable assessment where the use of lands abutting the railroad are changing. It is entirely possible that a railroad may enjoy an assessment for a period of four years at only a fraction of what it should be.

Subject to section 60, railroad lands are the only ones which enjoy this distinction, and as there is no apparent necessity for this legislation, serious consideration should be given to having it abolished.

o) Sections 53 & 54. Additions to Collectors Roll - Assessment Roll. The additional assessment of any building which has been erected, altered or enlarged, or any new business assessment or assessment which has ceased to be exempt, or the additional value of land

which ceases to be assessed under 35 (3) shall be added to the assessment and or the collectors roll under these two sections.

There is, however, no provision for entering in either the assessment or collectors roll the increase in value of lands which are subdivided after the return of the roll, unless such lands were last assessed under the provisions of subsection (3) of section 35. This section should, therefore, be amended to permit any increase in the value of land due to a change in the use to be added to the collectors and/or assessment roll.

p) Section 111. Minimum Tax. Section 111 provides for the passing of a by-law wherein a minimum tax bill of $6.00 may be established.

There are in many municipalities a number of very small homes receiving services equal to other larger and more expensive dwellings. As both types of properties are assessed on the basis of their actual value, it is obvious that the better home is paying a proportionately greater share of the tax load. This practice has encouraged Municipal Councils to enforce regulations requiring larger and more expensive homes so that the municipality may levy the necessary taxes without creating an undue burden on the owners of more highly assessed properties.

As a means of attaining a closer relationship between the amount of taxes payable and the amount of services received it is conceivable that a more substantial minimum tax could be levied upon any building or structure used as a residence.

q) Section 130. Business Assessment. This section of the Assessment Act provides for the preparation of a separate business assessment roll wherein the business assessment is taken in the current year.

Subsection (1) of section 94 provides that the County Council shall examine or cause to be examined the local assessment rolls of the preceding year for purposes of making an equalization, pursuant to section 93.

Any new business assessment which becomes liable between the time of the return of the business assessment roll in municipalities having a separate roll under this section, and the time

of the return of the combined rolls in other municipalities, is not included in the total assessment used for county equalization. Whereas the same business assessment would be included if the municipality was using a combined roll for business and real property assessment.

For these reasons it is desirable that separate business assessment rolls should be required to be closed some time before the time fixed for making the county equalization. Sections 93 and 94 should then be amended to provide that the last revised business assessment roll is to be used for purposes of county equalization.

r) Section 131. Cancellations, Reductions, etc., of Taxes. Paragraph (g) of subsection (1) of section 131 provides for the cancellation, reduction or refund of taxes levied against a business assessment where the business was not carried on during the whole year, except where the business was intended to be or was capable of being carried on during a part of the year only, etc.

There is no provision, however, to cancel, reduce or refund the taxes on the difference between the commercial, professional and industrial mill rate and the farm and residential mill rate, pursuant to section 294 of the Municipal Act. This situation should be corrected by a suitable amendment to this section.

ALTERNATIVE SUGGESTIONS FOR AMENDING SECTION 35 CONSIDERED BY THE ASSESSMENT COMMITTEE OF WENTWORTH COUNTY COUNCIL

1. Ascertain first the type or types of properties desirous or deserving of special assessment, and secondly, define the meaning of "farm" to exclude all other types of properties. Provide then for the assessment of farms according to the amount of protection desired.
2. Assess all farm lands and buildings at their actual value, and by legislation or by-law, fix the maximum amount of the annual tax on predefined properties at -
   a) some designated amount, or
   b) an amount not to exceed some fixed percentage of the assessment value, or
   c) an amount not to exceed the average tax on dwelling units in the municipality.
3. Extend the existing protection afforded to farms where the owner's principal occupation is farming, etc., to -
   a) all farms regardless of ownership or occupation, or
   b) to the land and outbuildings on all farms excluding the residences, or
   c) to the land and buildings of farms where the owner's principal occupation, etc., is farming, and to the land and outbuildings exclusive of the residence on all other farms.
4. Consider the assessment of farm lands in relation to Municipal Zoning by -
   a) assessing all lands used only for farming purposes in a municipality or portion thereof, zoned for agricultural use at their actual value for farming purposes -
      i) including the residence,
      ii) excluding the residence,
      iii) including the residence of bona fide farmers and excluding all others, and

b) assess all farm lands in a municipality or portion thereof, zoned for any purpose other than farming at their actual value.

5. Making use of Section 37 of the Assessment Act as a means of attaining the protection sought, by -

a) deleting subsections (3) and (3a) of Section 35, thereby assessing all lands at their actual value, and

b) define in Section 37 the meaning of "lands held and used as farm lands only," and

c) extend the meaning of public improvements to include additional or all municipal services, and

d) prescribe rules regulating the amount of exemption from taxation.

RECOMMENDED AMENDMENTS TO SECTIONS 35 AND 37 OF THE ASSESSMENT ACT AS APPROVED BY THE ASSESSMENT COMMITTEE OF WENTWORTH COUNTY COUNCIL

Subsection (3) of section 35 of the Assessment Act, R.S.O. 1960, Chapter 23, provides that when assessing farm lands which are being farmed by the owner thereof whose principal occupation is farming, or a tenant of such an owner, that no consideration shall be given to the sale value of surrounding lands which are sold for purposes other than farming.

Subsection (3a) of section 35 provided for extending these same regulations to the lands of a retired or deceased farmer for a period of two years after retirement or death.

WHEREAS this legislation infringes upon the civil rights of the individual who chooses to maintain a farm along with some other occupation which may be described as his principal occupation, and

WHEREAS this legislation is discriminatory since it requires the making of assessments in persona rather than in realm, depending upon the principal occupation of the owner, and

WHEREAS this legislation has created much animosity and dissension among the ratepayers within rural and suburban municipalities where farm lands are selling at amounts exceeding their value for farming purposes, and

WHEREAS this legislation has created inequity in the apportionment of costs between urban and rural municipalities, where the costs of services, high schools, etc., are divided between these municipalities or portions thereof on the basis of equalized assessment. This condition is particularly prevalent where in the urban municipality there are few or no properties assessed under subsections (3) and (3a) of Section 35, while in the adjoining suburban or rural municipalities there are many properties assessed under the provisions of this section, at a considerably smaller percentage of actual value than the properties in the urban municipality, and

WHEREAS this legislation discourages individuals from purchasing, stocking and equipping farms in instances where it is necessary for financial reasons for the said owner to have a principal occupation other than farming until such time as the farm becomes self-supporting, and

WHEREAS this legislation will discourage individuals and corporations from purchasing farms for purposes of agricultural experimental work.

THEREFORE BE IT RESOLVED that the Legislature of the Province of Ontario be petitioned to amend the Assessment Act, R.S.O. 1960, Chapter 23 in order to:

a) Restore the civil rights of individuals.

b) Remove the discrimination existing between the assessments of various owners and classes of property.

c) Abolish the inequity in apportioning costs between urban and rural municipalities -

in the following manner:

1. Amend Section 35 of the said Act be deleting subsections (3) and (3a), and thereby assess all lands at their actual value considering the provisions of paragraphs (2) and (4).

2. Amend subsection (1) of section 37 by extending the various public improvements mentioned to include all municipal services and facilities which are paid, in full or in part, through municipal real property and business assessment, and prescribe rules regulating the maximum amount of exemption from taxations which can be given, so that subsection (1) of section 37 will read as follows:

"In any municipality where lands held and used as farm lands only and in blocks of not less than five acres by any one person are not benefited to as great an extent by the expenditure of moneys for and on account of municipal services in the municipality as other lands therein generally,

the council shall annually before the first day of February pass a by-law declaring what part, if any, of such lands are exempt or partially exempt from taxation for the expenditures of the municipality incurred for any municipal services, regard being had in determining such exemption to any advantages, direct or indirect, to such lands arising from such expenditures of any of them, providing that no exemption from taxation shall reduce the taxes payable for any or all services below an amount which would have been payable had the assessment of land and buildings been calculated on the basis of their value for farming purposes only with no consideration being given to the sale value of lands in the vicinity which are sold for purposes other than farming."

RECOMMENDED AMENDMENT TO SECTION 35 OF THE ASSESSMENT ACT AS SUBMITTED BY THE COUNCIL OF THE TOWNSHIP OF EAST FLAMBOROUGH

We, the Council of the Township of East Flamborough, are very much concerned as to the present legislation as it pertains to the assessment of farm lands. It is unfair, unequal and very discriminatory as presently applied to the Township of East Flamborough.

1. We believe that the equalization of County assessment could be achieved without such discrimination as presents itself to our present method of assessment, and we refer more specifically to the protected and unprotected farmer or farm lands as referred to in subsection 3 of Section 35 of the Assessment Act which reads, "whose principal occupation is farming". We believe that it is very unfair to assess one piece of property for $40.00 per acre and an adjoining piece of property for $80.00 and the only difference being the owner's main occupation is not that of farming. In no way does it pertain to the present value of property in any manner.
2. There are also a small number of parcels of land which one could say were purchased for development some few years ago and are assessed for $165.00 per acre, and are still in open farm land with no sign of development. These properties are much further from development today than they were at that time. At the present time neither the planning board or the local council will permit these properties to develop without water and sewage facilities of which the municipality have none.
3. These properties are not costing the municipality any more in services correspondingly today than they ever have, and when there is a move to develop these lands, we can adequately protect the municipality with our present subdivision agreement and restrictions, rather than discriminate and penalize a percentage of our local ratepayers, as the present legislation and principal of assessing has done.

4. The present method of assessment could equalize assessment for County purposes, but so would a much more fair method equalize it for County purposes and at the same time have a much more equalized assessment for local purposes. When one sees adjoining properties assessed, one for double that of another, for no other reason than that of principal occupation, one comes to the place where we assess a man's occupation, not his property.

5. It has been suggested that a municipality could assess under the present legislation and refer to Sec. 37 - (1) of the Assessment Act, Re: exemption of farm lands from taxation for certain expenditures by amending Sec. 37 - (1) which reads: "The Council shall annually, before the first day of March, pass a By-law declaring what part, if any, of such lands are exempt or partly exempt from certain taxation, etc."

6. When an assessor completes his assessing and turns the roll over to the Council, it should be in such a form that a Council could accept it and levy taxes from it, without having to pass any such suggested By-law as is referred to in Section 37 - (1).

Therefore Subsection 3 in Section 35 of the Assessment Act should be amended to read:

"For the purposes of Subsections 2 and 4 in ascertaining the sale value of land in excess of ten acres used only for farm purposes and all lands in an area where the owner thereof is not allowed to develop such lands because of restrictions of Planning Boards of Councils, consideration shall be given to the sale value of lands and buildings used only for farm purposes, and no consideration shall be given to the sale value of lands and buildings to which this subsection does not apply."

RECOMMENDED AMENDMENT TO SECTION 35 OF THE ASSESSMENT ACT AS SUBMITTED BY THE COUNTY REPRESENTATIVES OF THE TOWNSHIP OF GLANFORD

WHEREAS - subsections (3) and (3a) of section 35 of the Assessment Act, being Chapter 23 of The Revised Statutes of Ontario, 1960, as amended

(a) extend special consideration in the determination of the sale value of farm lands used only for farm purposes by an owner whose principal occupation is farming, or by a tenant of such owner and of buildings thereon, and

(b) extend the said special considerations for a period of two years after the death or retirement of such an owner, and

WHEREAS - the intent and purpose of the said special considerations as extended to such lands and buildings were

(a) to assist and encourage farmers

(i) to remain on and develop their lands for farm purposes, and

(ii) to improve their methods of farming and thereby increase production, and

(b) to encourage other persons to similarly participate in farming, and

(c) to relieve farmers of a tax burden that would be inequitable in relation to their capacity to assume the burden thereof and thereby depress and destroy the farm segment of the economy,

all of which contributes to the strengthening of the local, provincial and national economies, and

WHEREAS - the Council of the County of Wentworth is of the firm opinion that the said sub-section (3) is discriminatory in an inequitable respect, in that, the qualification "whose principal occupation is farming" excludes from the application of the described special considerations a farmer

(a) who owns and operates a farm, but

(b) who also engages in another occupation for the purpose of obtaining funds to enable him to develop and improve his farm lands and ultimately the productive capacity of such lands, and

WHEREAS - the Council of the County of Wentworth deems it desirable and expedient

(a) that section 35 of the Assessment Act should not be amended so as to strike out the special considerations extended in subsections (3) and (3) thereof, but

(b) that subsection (3) of the said section 35 should be amended so as to extend the application of the said special considerations set forth therin to all lands used only for farm purposes and all buildings thereon without distinction as to the occupations of the owners thereof and thereby

(i) remove the described inequitable discrimination, and

(ii) relieve the described owners and farmers from the penalty now imposed by their lands and buildings being excluded from the application of the said special considerations because of their engaging in occupations in addition to farming, and

(iii) assist and encourage such owners and farmers to remain on, develop and improve their lands and buildings used for farm purposes, and

(iv) enable such owners and farmers to contribute to the strengthening of the local, provincial and national economies.

NOW THEREFORE IT IS RESOLVED

1. That the Assessment Act be amended

(a) by striking out in subsection (3) of section 35 thereof the words "whose principal occupation is farming," and

(b) so that subsection (3) will thereupon read as follows:

"(3) For the purposes of subsections 2 and 4, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof or used only for farm purposes by a tenant of such an owner and buildings thereon used solely for farm purposes, including the residence of the owner or tenant and of his employees and their families on the farm lands, consideration shall be given to the sale value of such lands and buildings for farming purposes only and no consideration shall be given to the sale value of lands and buildings in the vicinity to which this subsection does not apply."

2. That a certified copy of this resolution be forwarded by the Clerk of The Corporation of the County of Wentworth to the Honourable the Minister of Municipal Affairs for the Province of Ontario.

3. That the Honourable the Minister of Municipal Affairs for the Province of Ontario be requested to expedite the enactment of the amendment described in section 1 of this resolution in order to achieve the intent and purpose hereof.

RECOMMENDED AMENDMENT TO SECTION 35 OF THE ASSESSMENT ACT
AS PRESENTED TO COUNTY COUNCIL BY WARDEN LESLIE COULDREY

Repealing Subsections 3 and 3a of Section 35, Assessment Act, R.S.O. 1960, Chapter 23, and substituting the following.

"For the purpose of subsections 2 and 4 in ascertaining the sale value of farm lands used only for farming purposes and in blocks of not less than ten acres in a municipality or portion thereof, where the owner is not allowed to develop such lands because of restrictions of planning boards, councils, or any other agency with restrictive powers, consideration shall be given to the sale value of lands and buildings for farming purposes only and no consideration shall be given to the sale value of lands and buildings in the vicinity to which this subsection does not apply, excluding any buildings located on these lands which are not used in connection with the operation of the farm."

The effect of this amendment would be to restrict the assessment on all farm lands which cannot be used for any purpose other than farming to the actual value of the land for farming purposes.

The assessment of all buildings located on these lands would be similarly restricted to their actual value for farm purposes unless the use of the buildings are independent of the farm, in which case they would be assessed at their actual value.

All lands which are eligible to be used for development purposes would be assessed at their actual value, including the buildings.

COUNTY ASSESSOR'S REPORT ON PROBLEMS ARISING FROM THE 1962 AMENDMENT TO SECTION 35 OF THE ASSESSMENT ACT.

Before the 1962 amendments to Section 35 of the Assessment Act were passed, this section required that three conditions be met before a property was to be entitled to the partial exemption extended under the provisions of subsection (3). They were

1. That the land had to be farm land
2. That the land be used for farm purposes only
3. That the land be farmed by the owner whose principal occupation was farming or by a tenant of an owner whose principal occupation was farming.

The first and second requirements had little significance in the application of the section since in the first instance all lands, unless zoned otherwise, which are suitable for cultivation, pasture or even growing christmas trees, can be said to be farm lands.

In the second instance most farm lands are used only for farming purposes until such time as the lands can be developed for some other use. It is often true that the method or type of farming being carried on is not good, as in the case where a poor hay crop is cut and sold, or even given away. It may even be said, that in some instances this type of operation is carried on to avoid weed-cutting charges. Nevertheless, growing hay constitutes farming and as long as this is the only use to which the land is put, the second requirement of the section is fulfilled.

The third provision however, required that the principal occupation of the owner had to be farming. This stipulation severely restricted the application of the section and excluded from the partial exemption all lands except those owned by a person who was principally engaged in the business of farming.

The amendment to Section 35 (3) in 1962 has deleted this requirement so that the only requirements now necessary for land to be eligible for the partial exemption is that the property must be farm land and used only for farm purposes.

In expanding the scope of this section a number of problems arise.

1. Of the large number of building lots and small acreages sold off farms, many are left unfenced and undeveloped for some years. Under these circumstances it is a common practice for the vendor farmer to continue to crop the portion sold during the period before development.

As a result of the 1962 amendment to section 35 (3) those parcels which remain as farm lands used only for farming purposes, must be assessed at

their value for farming purposes. For example, a one third acre lot, selling for perhaps $2,000. and situated in an area where land for farming purposes is rated at $40.00 per acre, will be assessed at $13.33, which is the assessed value of a third of an acre for farm land. The assessed value of a similar lot in the same area, but not used for farming purposes, would carry an assessment of some $700.00.

2. Many owners of small holdings turn all of their lands, except a small area with the residence, over to neighbouring farmers who work the land along with their farms. The portions leased or used by the farmer are obviously farm lands used only for farming purposes and will receive the partial exemption. Thus the land assessments of similar parcels will vary according to the area of land which the neighbouring farmers can be persuaded to use.

3. The owners of most farms, regardless of the purpose for which they are holding the land, make some effort to farm the lands or arrange for some other person to rent or share-crop the farm.

If the occupant of the farm house is not the person engaged in farming the farm, it is suggested that the "present use" clause of paragraph (4) of Section 35 will permit the assessor to make an assessment on the residence similar to that of other residences in the vicinity which are situated on lots.

However, if the farm dwelling is occupied by the person making some pretense of farming the land, regardless of what else he may be doing for a living, it is apparent from the wording of the section, that the residence must also receive the partial exemption given in paragraph (3) of section 35. In fact if such an owner should develop a luxury estate on the same farm, he would still be entitled to the partial exemption.

To carry this point to the extreme, the owner may build homes for his married sons and daughters, designate the head of each family as a farm employee and, pursuant to Section 35 (3) demand a farm assessment on each dwelling.

4. How many acres constitute a farm? This question was not too significant before the 1962 amendment, since few if any, of the small holdings produced sufficient returns to make farming the principal occupation of the owner. However, with the removal of the principal occupation requirement, the assessors are confronted with the problem of deciding whether or not a one acre plot which is extensively gardened is eligible for the partial exemption under Section 35 (3). If one acre is not eligible, what about two acres, three acres and so on?

Provided the land is used only for farm purposes the partial exemption applies. Growing hay on a one hundred acre parcel is farming and therefore, the land receives the partial exemption. What basis can there be then for refusing to grant the partial exemption where an identical farm operation is being carried out on a smaller farm, of perhaps fifty acres, or twenty-five acres, or even one acre, provided the land is used only for farming purposes?

Here again we are not only concerned about the land assessment, but also about the dwelling, for if the land qualifies for the partial exemption, then so does the house if it is occupied by the person farming the land.

5. What is farming? One tends to accept raising broilers, keeping hens for egg production, feeding hogs or growing christmas trees on one hundred acre farms constitute farming. Identical operations are being conducted on half acre parcels, with the exception of growing christmas trees, where the volume grown would vary with the acreage. Therefore the size of the operation does not necessarily vary with the area of the land.

Does a half acre plot become a farm when there is a twenty or forty thousand bird broiler plant located in the back yard? Before answering, it should be stated that no feed for the birds can be grown on the property. However this is also the case, except that it is by choice, on many of the larger holdings where broilers are raised.

Similar problems concerning the question of what is a farm or what is farming arise when the assessors encounter nurseries, greenhouses, mink farms, mushroom farms and sod farms, as well as turnip waxing plants, slaughter houses and cheese factories when found located on and used in connection with farming.

In view of these problems relative to the application of Section 35 (3) of the Assessment Act, it is respectfully submitted that the Select Committee, on The Municipal Act and Related Acts consider drafting a definition of a farm and farming and consider the method of assessment to be adopted in assessing the residences on the lands of persons who are not principally engaged in farming.

June 19th, 1961

Frank Scholfield
Clerk-Treasurer
Municipal Treasurer
Tax Collector

Robert Marshall
Deputy Clerk-Treasurer
Assessor
Welfare Officer

TOWN OF DUNNVILLE
ONTARIO

MUNICIPAL BUILDING • CHESTNUT STREET
TELEPHONE 491 P. O. BOX 214

June 16, 1961.

Mrs. H.G. Rowan, Secretary,
Select Committee on The Municipal Act & Related Acts,
Room 377,
Parliament Buildings,
TORONTO 5, Ontario.

Dear Mrs. Rowan:

Firstly, may I apologize for not replying to Mr. Beckett's letter of May 11th, wherein briefs or submissions to his Committee were requested.

The Corporation of the Town of Dunnville does not wish to submit a brief or submission, however, I have been asked to suggest that some consideration be given to amending The Municipal Franchise Extension Act, so that resident voters will be permitted to vote on all matters other than money by-laws. As you know, The Lord's Day Act covering vote on Sunday movies, etc., specifically provides that voters enfranchised under The Municipal Extension Act, shall be entitled to vote when questions under The Lord's Day Act are put to the electors.

It would appear that this is possibly an oversight and was been brought to the attention of the Committee for their consideration.

Yours very truly,

Frank Scholfield

Frank Scholfield,
Clerk-Treasurer.

FS/MM

May 29, 1961.

CLERK'S OFFICE

S. H. BLAKE
CLERK-TREASURER

GODERICH, ONTARIO

May 26, 1961.

Ontario Legislative Assembly,
Select Committee On The Municipal Act And Related Acts.,
Room 377, Parliament Buildings,
Toronto 5, Ontario.

Dear Sir: Re: Municipal Act
Section 399 - 1 - A(11)

The Town of Goderich have a by-law properly drawn under Section 399.

A case was taken to court in 1960 and the Magistrate dismissed the charge.

The facts are set out below.

The Tillsonburg Shoe Company manufacture shoes in Tillsonburg, Ontario and appoint Safety Shoe Company as their agent.

Safety Shoe Company hold a letter confirming this appointment, and it also gives them authority to sell shoes in Tillsonburg (the municipality in which the manufacturer is located). This appears to carry out the intent of the Act.

The local Magistrate has ruled that the above places them within the exemption and no licence is required, and they may sell shoes in any city, town or township without a peddlers licence.

This appears to make a peddlers licence by-law worthless.

Take any Company, they could simply write a letter appointing a salesman or agent to sell within the municipality in which the article is produced. This places them within the exemption and no other municipality can obtain a conviction under their by-law.

I will be pleased to supply any further particulars that may be required.

Yours truly,

Town Clerk

shb/fb

Goderich, May 26, 1961

S U B M I S S I O N

OF THE

C I T Y O F K I N G S T O N

TO THE

SELECT COMMITTEE ON THE MUNICIPAL ACT
AND RELATED ACTS

A S S E S S M E N T A C T

THE COUNCIL OF THE CORPORATION OF THE CITY OF KINGSTON RECOMMENDS

THAT:

(a) Section 35 (4) be amended to provide that if the Assessor or a Court of Revision reduces the assessment of certain lands or buildings because they are near a dilapidated building, the amount of the reduction shall be added to the lands having dilapidated buildings on them.

(b) Section 35 (2) be amended to permit a reduction of assessment on landscaped residential lots which are larger than required by the zoning by-laws if these lots increase the value of the surrounding properties.

(c) Section 35 (4) be amended to permit assessment based solely on rental value of revenue-producing properties which pay no business tax, such as apartments and rooming houses.

THE LIQUOR LICENCE ACT

THE COUNCIL OF THE CORPORATION OF THE CITY OF KINGSTON RECOMMENDS THAT:

(a) Section 78 be amended to provide that the persons eligible to vote shall be required to register at the Municipal Buildings not more than 60 days nor less than 30 days prior to the vote, and that only registered persons shall be entitled to vote.

(b) Section 81 be amended by striking out the words "by the treasurer of the municipality" in lines 5 and 6 and substituting the words "out of the moneys appropriated therefor by the Legislature" so that Section 81 shall now read:

"81. The fees and expenses to be allowed to returning officers and other officers and servants for services performed under sections 70 to 83, and the expenses incurred in carrying out such sections shall be fixed by the Lieutenant Governor in Council and shall be taxed and allowed by the chairman of the election board and paid out of the moneys appropriated therefor by the Legislature to the persons entitled thereto."

(c) Section 84 be repealed and the following inserted in lieu therefor:

"84. Where one municipality is amalgamated with another municipality or where a whole or a part of a municipality is annexed to another municipality the Act shall operate in the area that is amalgamated or annexed on the same basis as it does in the annexing municipality so that the operation of the Act will be uniform throughout the new municipality."

THE LOCAL IMPROVEMENT ACT

THE COUNCIL OF THE CORPORATION OF THE CITY OF KINGSTON RECOMMENDS THAT:

(a) Section 24 (1) of the Local Improvement Act be amended by the insertion of the word "pavement" before the word "sewer" in line one and line five, so that Section 24 (1) will now read:

"24-(1). Where the work is the construction of a pavement, sewer or watermain, the council may in the by-law for undertaking the work, passed by a vote of three-fourths of all the members, provide that a certain sum per foot frontage shall be specially assessed upon the land abutting directly on the work, and that remainder of the cost of such pavement, sewer or watermain shall be borne by the corporation."

THE MUNICIPAL ACT

THE COUNCIL OF THE CORPORATION OF THE CITY OF KINGSTON RECOMMENDS THAT:

(a) Section 297 of the Municipal Act be amended by the addition of Section 297(6) as follows:

"The council may approve the estimates of every board, commission or other body for which the council is by law required to levy any rate, or may amend, reduce or otherwise alter the estimates, and the amount of these estimates as approved or amended shall be included in the estimates of the amounts to be levied and collected by the council for the current year.

If the council reduces estimates of any board, commission or other body, the Clerk shall notify such board, commission or body, who may appeal the reduction within 14 days to The Ontario Municipal Board. The Board may hear the appeal, and may dismiss the appeal or may order the council to provide an additional sum to the appellent not to exceed the amount of the reduction."

(b) In order to assist municipalities in reducing the amount of bank borrowing for capital purposes, the Department of Municipal Affairs be requested to amend Section 303 (1) of The Municipal Act by the addition of the following words:

"Provided that if such money, or a portion of it, is not immediately required for the purposes for which it was raised it may be loaned for the payment of any capital expenditures which have been approved by The Ontario Municipal Board. Such loan shall

be repaid as soon as the moneys are required for the purpose for which they were borrowed, and by December 31 of the current fiscal year; and the fund from which moneys were loaned shall be credited with interest calculated at the rate received by the municipality on its bank deposits."

THE MUNICIPAL FRANCHISE EXTENTION ACT

THE COUNCIL OF THE CORPORATION OF THE CITY OF KINGSTON RECOMMENDS THAT:

(a) Section 3 be amended to provide that rather than have the assessors obtain the information for the Voters' list, persons eligible to vote shall be required to register at the Municipal Buildings not more than 60 days nor less than 30 days prior to each election, and only registered persons shall be entitled to vote.

THE ONTARIO MUNICIPAL BOARD ACT

THE COUNCIL OF THE CORPORATION OF THE CITY OF KINGSTON RECOMMENDS THAT:

(a) Section 13 be amended to provide that the Province will be divided into regions, and the sittings will be arranged on a regional basis with two members assigned to each region where they will reside.

P L A N N I N G

A C T

THE COUNCIL OF THE CORPORATION OF THE CITY OF KINGSTON RECOMMENDS THAT:

Section 28 (6) of The Planning Act be amended by the addition of the following as 28 (6) (b): "When a property owner connects a building to a sanitary sewer or watermain which has been constructed at the sole expense of a subdivider the Council may make a levy against the lands of the property owner in such manner as it deems equitable to recover a portion of the capital cost of the work. Such levy shall be deemed to be a land tax within the meaning of the Assessment Act and recoverable as such and shall be credited on a pro rata basis to any land taxes payable during the current year by lands within the subdivision which financed the work.

CITY OF KINGSTON BRIEF

TO SELECT COMMITTEE

SUPPLEMENTARY NOTES

ASSESSMENT ACT

The present wording of Section 35 of THE ASSESSMENT ACT subsections (1) to (4) is as follows: (subsections (5) to (17) deal with mining lands and woodlots)

"35. -- (1) Subject to this section, land shall be assessed at its actual value. R.S.O.1950, c.24, s.33 (1).

(2) Subject to subsection 3, in ascertaining the actual value of land without buildings thereon consideration shall be given to the present use, location, rental value, sale value and any other circumstance affecting the value. R.S.O. 1950, c.24, s. 33 (2); 1955, c.4, s.8(1).

(3) For the purposes of subsections 2 and 4, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof whose principal occupation is farming and buildings thereon used solely for farm purposes, including the residence of the owner and of his employees and their families on the farm lands, consideration shall be given to the sale value of such lands and buildings for farming purposes only and no consideration shall be given to the sale value of lands and buildings in the vicinity to which this subsection does not apply. 1960, c.3, s.3 (1).

(4) Subject to subsection 3, in assessing land having buildings thereon, the value of the land and buildings shall be ascertained by giving consideration to present use, location, cost of replacement, rental value, sale value, and any other circumstance affecting the value, and the value of the

buildings shall be the amount by which the value of the land is thereby increased, and the actual value of the land and the buildings so ascertained shall be set down separately in the columns of the assessment roll, and the assessment shall be the sum of such values. R.S.O. 1950, c.24, s.33 (3); 1955, c.4, s.8 (3); 1960, c.3,s.3(2)".

(a) DILAPIDATED BUILDINGS

By subsection (4) of Section 35 of the ASSESSMENT ACT, the Assessor in determining the value of a building is required to give consideration to "present use, location, cost of replacement, rental value, sale value and any other circumstances affecting the value". The City of Kingston Court of Revision in 1960 granted a 10% reduction in the building assessment for six houses along one street and for three houses along another street because of adjoining dilapidated buildings. In the first street the reduction in assessment totalled $1,980 and on the second street $1,185 . If the amendment to this subsection proposed by the City of Kingston were adopted the dilapidated building on the first street would have had its assessment increased by $1,980 and its taxes by approximately $150.00. The dilapidated building on the second street would have had its assessment increased by $1,185 and its taxes increased by approximately $95.00.

Although these two cases only represent a small amount of assessment and taxes, we believe that in the years ahead the problem of dilapidated houses and their adverse effect on assessment on the down-grading of neighbourhood areas may become more acute. This problem must be tackled on many fronts such as Housing Codes and easing of credit for home improvements. In addition to these measures, we submit that a property tax penalty on those who permit their houses

ASSESSMENT ACT
"Cont'd"

to become dilapidated would be an important factor in bringing about corrective action.

(b) LARGE LANDSCAPED LOTS

Under the present assessment law a home owner with a lot with a 75 foot frontage will pay 50 per cent more land tax than the owner of an adjoining lot with a 50 foot frontage. If this extra 25 foot strip of land is kept well landscaped with flowers, shrubs and grass it is an asset to the area at no extra cost to the community. The strip of land does not increase costs of education, add to the flow of city sewers or make work for the garbage collector; instead the extra landscaped strip of land increases the amount of fresh air, sunlight and beauty of the area. To encourage this type of development there should be a reduction in the assessment of such lands.

(c) ASSESSMENT BASED ON RENTAL VALUE FOR APARTMENTS AND ROOMING HOUSES

Under the present wording of the ASSESSMENT ACT rental value is only one of the factors that is taken into account by the Assessor in determining the assessment. If this were made the sole factor for assessing apartment houses and rooming houses we believe it would result in their paying a fairer share towards the municipal services that they receive and place them on a more equitable basis compared to other commercial enterprises which have to pay a business tax as well as a property tax.

THE LIQUOR LICENCE ACT

The sections of the LIQUOR LICENCE ACT referred to in the City of Kingston brief are from the Revised Statutes of Ontario, 1950.

Section 78 has now become Section 75;

Section 81 has now become Section 78, and

Section 84 has now become Section 80 (a).

(a) REGISTRATION OF VOTERS

Under the existing procedure of preparing the Voters' Lists, enumerators are responsible for obtaining the names, qualifications and addresses of persons who are entitled to vote. In many areas both the husband and wife work and no one will be home when the enumerator calls. On voting day there are many complaints about the number of names left off the list, as often these working people are the ones most interested in voting. If every person who wished to vote knew he must register at the City Hall during a certain period the privilege of voting would be prized more highly and no one who wanted to vote would be prevented from voting, if eligible.

(b) COST OF LIQUOR VOTES

Since the Provincial Government receives revenue from the sale of beer, ale and liquor it seems reasonable that the Provincial Government should assume the cost of liquor votes.

(c) After annexation an area is governed by the same tax laws as the annexing municipality. It should be entitled to the same rights under all other laws as other citizens in the municipality enjoy.

THE LOCAL IMPROVEMENT ACT

APPORTIONMENT OF PAVEMENT COSTS

There can be wide variations in the cost of constructing pavements. A heavier base and greater width will be required on arterial highways than on residential streets. These will add to the cost. It is not equitable that the abutting property owner should be assessed for construction costs to accommodate heavy traffic that is no benefit to him.

Section 27 (1) of the Local Improvement Act authorizes a Council to pass a general by-law to have the general rate assume a set portion of the cost of every pavement. If it seems proper to a Council to have the general rate assume 40% of the costs of paving a residential street it is only fair and equitable that the general rate should assume a greater share of paving a heavily travelled traffic artery. Section 27 (3) authorizes the Council to assume a larger share on any particular street. If the Council tries to keep the same rate for constructing pavements to home owners on different streets it may have to use a different percentage charge to the general rate on nearly every street.

The proposed amendment to Section 24 to permit a Council to set a fixed rate per foot frontage for pavements, the same as is now possible for sewers, would definitely simplify procedure and cause less dissatisfaction with local improvement assessments.

THE MUNICIPAL ACT

(a) APPROVAL OF BUDGET ESTIMATES OF BOARDS AND COMMISSIONS BY COUNCIL

We are requesting an amendment to the budget procedure in THE MUNICIPAL ACT and related acts to give municipal councils the power to change the annual budgets of Boards and Commissions.

Under existing legislation a Council has no authority to alter the annual budget of a school board and the control that it has over police commission budgets and library boards is incomplete. In actual practice many boards and commissions consult with the mayor, the finance committee or the board of control about their annual budget and there is some measure of co-ordination. However, with the continuing upward trend in educational costs, and local tax arrears showing an increase, we believe the time has come to give Councils the legal authority to say "no" to items in the budgets of boards and commissions, the same right they now have on other municipal spending which is financed by the municipal tax dollar.

We believe that council budget control of all boards and commissions would bring the following advantages:

1. Improved allocation of municipal tax funds.
2. Improved timing of expenditures.
3. More efficient operation.
4. Better public relations.

1. Improved Allocation of Municipal Tax Funds

Our proposal that Councils should control the budgets of the school boards will in no way lessen the demands of municipalities on the provincial government that it assume all the costs of a basic education. Only tax resources in control of the provincial and federal governments are sufficient to insure every school child of equal opportunities to a basic education. However, for some time to come it is apparent that a portion of the cost of education will

be financed by a portion of the municipal tax dollar. So long as this is true the school board should have to justify its claim to its share of the municipal tax dollar in competition with the claim of other municipal services. Decisions such as to whether a community has greater need for a teacher of a third language than a sewer should not go by default but be decided after proper consideration as to how many will benefit in relation to the cost.

2. Improved Timing of Expenditures

With municipal councils having a control over budgets of boards and commissions there will not only be improved allocation of funds but there can be better timing of expenditures. If an unusually severe winter has sky-rocketed the costs of snow removal this year perhaps the number of pupils per classroom can remain just a bit higher than is ideal for just another year so that the taxpayer can adjust himself to a gradual increase in taxes instead of having a large boost all in one year.

3. More Efficient Operation

If Boards have to justify their budgets to council they will scrutinize them even more carefully than they do now. Furthermore in the discussions between the two bodies each will learn something of the others operating and personnel procedures, to their mutual advantage.

4. Better Public Relations

Under present budget practices many a Council will avoid any increase in the general tax rate by keeping a tight rein on its expenditures. If the school board fails to hold its rate it may be held up to the public as the villain who was the cause of the tax increase. Under the new system the Council will be fully aware of just what educational costs could be controlled

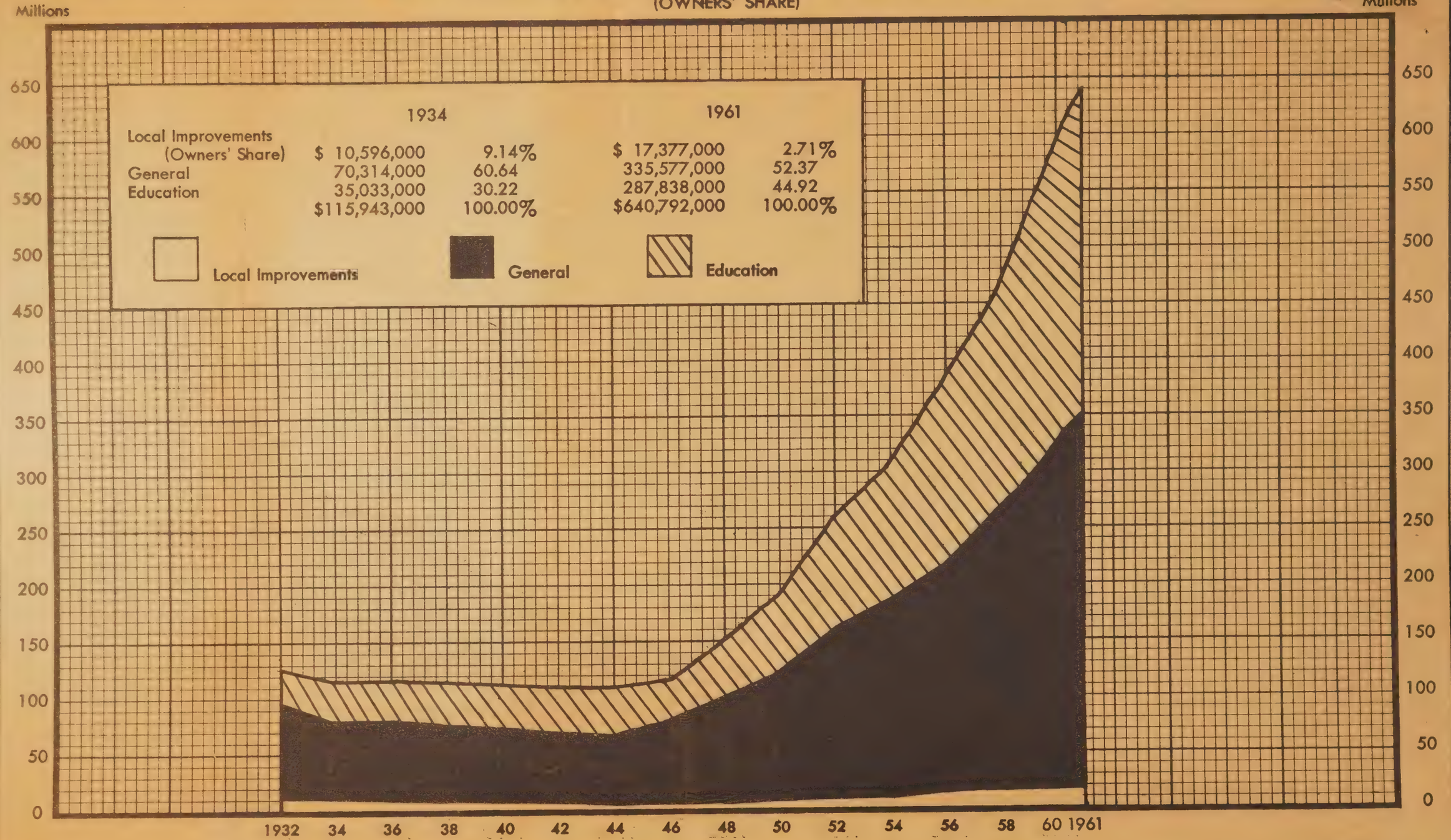
and what could not. It will be held responsible, and properly so, for all tax increases. It will be an advantage to the taxpayer to be able to hold one body responsible.

Although the City of Kingston proposal contains provision for an appeal against Council budget changes it is the intention that the use of the right of appeal would only apply where a council decision was patently discriminatory and manifestly arbitrary; otherwise an outside body would be usurping the functions of the locally elected council in determining the priority of the various municipal services.

The request that the City of Kingston is making for the right of a local council to control the local education budget, but subject to provincial educational policy, is not something that is new and untried. It has been in effect for years in Nova Scotia, in Alberta, in Great Britain and in Sweden.

In making this submission the City of Kingston wishes to emphasize again that it has the highest respect for all the many capable school trustees who are serving their communities so well and it recognizes that education is the most important municipal service.

MUNICIPAL TAXATION—EDUCATION, GENERAL AND LOCAL IMPROVEMENTS
(OWNERS' SHARE)



	1934		1961	
Local Improvements (Owners' Share)	$ 10,596,000	9.14%	$ 17,377,000	2.71%
General	70,314,000	60.64	335,577,000	52.37
Education	35,033,000	30.22	287,838,000	44.92
	$115,943,000	100.00%	$640,792,000	100.00%

Source: Audited Financial Statements.

P. Kash

THE MUNICIPAL ACT

(b) Capital Fund Borrowing

As section 303 (1) of the Municipal Act now stands a municipality may have unrequired debenture proceeds on deposit for one capital project earning 3% but be paying 6% to borrow temporary funds to finance another capital project. This happens because a municipality can issue debentures on a project with a fixed price such as a fire hall or a home for the aged before the project is completed; but with a local improvement job where the final price is not known until the job is completed because the quoted unit prices apply to actual quanitiies debentures can not be issued until the job is complete. As a result the property owner who is assessed for a local improvement is saddled with a higher interest cost than property owners are for works with a fixed cost. Money for the local improvement work is borrowed for a longer time than for the other work, and while it is still paying interest funds from the other job are earning interest. If the local improvement work could borrow funds from the other work it could do so at a reduced rate; yet the other fund would not suffer because it would be credited with the same bank deposit rate.

A spread of approximately 3% on what can be earned on short term funds and what it costs to borrow temporary funds is the normal situation. However, at the mement it is possible to obtain 5% on short term investments.

THE MUNICIPAL FRANCHISE EXTENSION ACT

REGISTRATION OF VOTERS

As noted in the submission concerning proposed registration for voting on the questions under the Liquor License Act a great many of the persons over 21 are at work when the assessors call and it is difficult for the assessors to obtain the proper information. The assessors may make two or three unseccessful call-backs in order to see these voters and end up by leaving a card to be filled out and returned to the Clerk as required by the Act. The records of Kingston show that less than ten per cent of the cards that are left are returned to the City Clerk. The City of Ottawa reports 138 cards received from two wards although 1500 cards were left.

If each voter knew that in order to vote he must register at the City Hall he would attach more importance to the right to vote and develop a greater sense of civic responsibiltiy.

THE PLANNING ACT

SUBDIVISION AGREEMENTS

Under Section 28 (6) of the Planning Act a municipality has the authority to enter into subdivision agreements which require a subdivider to install the services. The subdivider adds this cost ot the price of the lots. However, situations arise where subdividers wish to develop an area that requires the extension of existing sewers through an area of farm land or undeveloped land to reach their subdivision. If the subdivider finances the cost of this extension and passes the cost on to the purchasers of his lots there is no way they can ever recover this. If the municipality finances this extension and charges the cost of the abutting owners they will object. If the council finances the construction and charges the cost to the general rate it is increasing its general debenture debt charges for the benefit of a subdivider.

Under the proposed amendment the subdivider would assume the cost of the extension and add it to the cost of the lots. The owners of these lots would be reimbursed for these added costs by an annual tax credit to be recovered from the farm lands whenever they were subdivided and made use of the sewer.

CITY OF LONDON BRIEF

SUBMITTED TO

SELECT COMMITTEE

ON THE

MUNICIPAL ACT

AND

RELATED ACTS

LONDON, ONTARIO
NOVEMBER 2, 1961

R. H. Cooper, F.C.I.S.
CITY CLERK

W. S. Ross, B.A.
DEPUTY CITY CLERK

CITY OF LONDON

City Hall
London, Ontario
Tel: Ge. 9-3211

In Reply Please Refer To

Our:

OFFICE OF THE CITY CLERK

November 2, 1961.

Hollis Beckett, Esq., Q.C., M.P.P.,
Chairman,
Select Committee on the Municipal Act and Related Acts,
Room 377, Parliament Buildings,
Toronto 5, Ontario.

Dear Mr. Beckett:

The Council of the Corporation of the City of London respectfully submits for the information and consideration of your Committee, a number of suggestions with respect to the Municipal Act and Related Acts governing municipalities, their local Boards and Commissions.

For the convenience of the Committee, the Appendices attached hereto, have been arranged in alphabetical order, according to the title of the Act concerned, and the various proposals with respect to each Act have been arranged in order of the Section to which the proposals refer.

The Council desires to urge that all related Acts be consolidated as far as possible, so that, for example, all of the matters governing the actions of municipalities may be found in a consolidated Municipal Act, and all of the matters governing schools may be found in a comprehensive and consolidated Schools Administration Act.

The City Council is indebted to the following persons or organizations for the submission of suggestions with respect to legislative amendments, which are proposed in this brief.

1. Business and Professional Women's Club,
2. London Council of Women,
3. London & District Labour Council,
4. London Separate School Board,
5. Court of Revision,
6. Committee of Adjustment,
7. City Solicitor H.R. Davidson,
8. Chief Constable A.E. Knight,
9. Assessment Commissioner R.E. Ashton,
10. Planning Director D.E. Guard,
11. Welfare Administrator W.H. Hilts,
12. Traffic Co-ordinator J. Morgan,
13. Finance Commissioner C.O. Logan and City Clerk R.H. Cooper.

In certain instances, as indicated in the Appendices, the proposal has not been endorsed, and in such cases, the source of the proposal is indicated.

The attention of the Select Committee is respectfully directed to the proposals submitted to the City Council with respect to the Municipal Franchise Extension Act by The London Council of Women and The Business and Professional Women's Club of the City of London. Not only are the proposals endorsed but, as indicated in a paragraph following the said submissions, it is the proposal of the Council of the Corporation of the City of London, that the Act should be amended to give voters under the said Act, the right to vote on all ballots, except money by-laws and money questions. If this principle is adopted, it should be made clear that the Clerk of the municipality, in preparing the Voters' Lists, shall incorporate Municipal Franchise Extension Voters in such Voters' Lists, according to the manner in which the Voters' List is prepared under the provisions of the Voters' Lists Act.

Incorporated in this brief on Page 7 of the Submission re the Municipal Act, under the heading "General Matters-- By-laws Regulating Trades", is a submission by the Board of Commissioners of Police for the City of London, that the licensing of certain trades and callings be transferred from the Local Government level to that of the Provincial Government. The Council of the Corporation of the City of London makes no recommendation with respect to the Police Commission's proposal, since in London, the present system of licensing the trades and callings covered by the provisions of the Municipal Act is working quite satisfactorily.

Two other items, namely, a submission "Re: The Deserted Wives' and Children's Maintenance Act", and certain submissions in respect to The Planning Act involving the charging of fees, are still under review by the City Council, and will be submitted at a later date. Therefore, Appendix "B", which is the submission "Re: The Deserted Wives' and Children's Maintenance Act", is not attached hereto with the other Appendices.

On behalf of the Council of the Corporation of the City of London,

H. Bond
Mayor

R. H. Cooper
City Clerk

EXHIBIT A

SUBMISSION OF THE COUNCIL OF THE
CORPORATION OF THE CITY OF LONDON
to the
SELECT COMMITTEE
on the
MUNICIPAL ACT AND RELATED ACTS

RE: THE ASSESSMENT ACT

SECTION 4 (3) - Refers to the exemption of "places of worship". It is recommended that this be amended to read "places of public worship". This is the wording used in many other Acts, and eliminates the question of exemption of premises which are not open to the public.

SECTION 4 (17)- This section exempts machinery and equipment used for manufacturing. The City had an action with John Labatt Limited, arising out of the question of whether or not the machinery and equipment in their plant was used for manufacturing purposes. In section 9 of The Assessment Act, a distinction is made between the business of a brewer and the business of a manufacturer, and the City took the position that because this distinction had been made and because the process was a brewing process rather than a manufacturing process, the machinery and equipment should not be exempt. In order that this point may be clear, it is recommended that the subsection should be amended to read: "machinery and equipment used for manufacturing or for industrial process".

SECTIONS 4 - 7 - These sections of the Act deal with exemptions of property from taxation. Exemptions are constantly increasing as new churches, and other organizations exempted by Statute, purchase property for expanding needs. Each exemption reduces the property available for taxation and the taxpayers are required to make up the difference. The Government has recognized this situation to a certain extent by giving grants in lieu of taxes on Government property and providing legislation for taxing public commissions such as the Public Utilities Commission and The London Transportation Commission on their property. It is respectfully suggested that, whereas exemptions are granted by Provincial legislation at the expense of local government revenue, that this Section should be given serious study, and that any new exemptions granted should be subject to by-law by City Council before taking effect.

SECTION 9 - This section deals with the matter of business assessment. This has given rise to considerable litigation from time to time. There are also instances, where taxpayers who would ordinarily fall within section 9 (1)(f) which refers to departmental stores, have reorganized their business by separately incorporating each department, thereby taking the operation out of the category of a departmental store. Some classes of business should obviously be continued at the higher rate of business tax. These would be the first five categories, namely: distillers, brewers, wholesale merchants, insurance companies, loan companies, etc., distributors of goods operating a chain of more than five retail stores and manufacturers. It is thought that all other businesses might be equalized so far as the business tax is concerned. Those businesses which occupy the more valuable properties would pay a correspondingly higher tax. This might circumvent the inclination to attempt to avoid the higher rates of business tax.

SECTION 9 (4) - The application of this section, which provides for business tax on every proprietary or other club where meals are furnished, has been a cause of a great deal of litigation, and it now has been accepted that there are few, if any, operations to which the subsection applies. If it is the Legislature's intent that every club that serves meals to its members should pay a tax, the section should be amended

RE: THE ASSESSMENT ACT

to clarify that intention. If it is not the Legislature's intention to impose the tax, then the section might well read "every proprietary club" without the additional words.

SECTION 9 (11) - This section provides that business tax is not applicable to the keeping of a rooming house, farm, market garden, nursery or apiary. This subsection has also been the cause of much litigation in respect of its application to florists. The City was successful in an action in establishing that one of the larger greenhouse operators was liable for business tax. In other municipalities, the reverse has been held. It is believed that the section was intended to excuse farmers from paying business tax, but in other municipalities it has been held that the greenhouse operators are not liable on the basis that they are either operating a farm, market garden or a nursery. There seems to be no reason why the business of growing flowers for sale should not pay a business tax. It is suggested that this section should be clarified so that the results will be uniform throughout Ontario, and florists would be required to pay a tax in respect of their business, as any other business person.

SECTION 9 - This section of The Assessment Act deals with Business Assessment and is badly in need of revision. The Section sets out the various types of business and the percentage applicable to each. The assessment is based on the assessed value of the land and buildings occupied by the business and the business assessment is a percentage of this value, with the tax rate levied thereon. Percentages include distillers at 150%, wholesalers - 75%, manufacturers - 60%, banks and financial institutions - 75%, agents - 50%, retailers - 25%, etc. These percentages were established following study and report by a Royal Commission prior to 1905 and implemented in the 1905 revision of the Act. Needless to say, business conditions have changed radically since that time and, today, many businesses are overlapping. It might well be questioned whether earnings of a wholesale merchant, for instance, warrants a business tax three times as much as a retailer today. Assessors in the Province recognize that something should be done, and have made numerous representations to the Government, through the Association of Assessing Officers of Ontario, asking for changes in this Section of the Act. If the present basis of assessing business is to be continued, a study should again be made by a Committee empowered to call for evidence of present-day earnings for different types of business, in order to eliminate any inequalities existing. In other words, this Section should be modernized to recognize present-day conditions in business.

SECTION 21 - This section, enacted in 1950, stipulated that the Minister may, "subject to the approval of the Lieutenant-Governor-in-Council, by regulation prescribed rules and the class of municipality to which the rules shall apply for the guidance of Assessors, and every Assessor affected thereby shall conduct himself in accordance therewith".

If all Assessors were required to use the Departmental Manual, then assessments in the Province would be more uniform. With Section 35 amended, the present situation of the Act, calling for actual value and assessments in general on a 1940 basis or less, would be remedied. Any manual issued by the Department of Municipal Affairs on costs, should be on a regional basis to recognize the difference in costs in various parts of the Province.

SECTION 35 - This section of The Assessment Act deals with valuation of land and buildings. This Section stipulates that land,

RE: THE ASSESSMENT ACT

including buildings - subject to certain conditions laid down in the Section - shall be assessed at actual value. Some time ago the Province issued an Assessment Manual based on 1940 costs and few municipalities are above this basis at present. At the recent Convention of The Association of Assessing Officers of Ontario, the Honourable Minister of Municipal Affairs stated that the Department was working on a later manual, based on more up-to-date costs, for use by Assessors. It is respectfully submitted that if the Department manual costs are based on a specific year, then Section 35 should be amended to conform with values set out therein.

SECTION 165 - This section deals with the surplus upon the tax sale, and provides that the balance, if any, after the payment of taxes, shall be paid by the treasurer to the owner of the land or to such other person as may be authorized by law to receive the balance. If the lands were encumbered, it would appear proper that the mortgagee should be the person to receive the surplus moneys up to the extent of the mortgage, in priority to the owner, of if there were an execution against the lands in the hands of the sheriff, the moneys should be paid to the sheriff rather than to the owner. It is suggested that this section be amended to provide that if there are registered mortgages, liens or other claims, or if there are executions in the hands of the sheriff, the moneys might be paid into Court without Order, and thereafter the moneys stand in the place of the land and be subject to the further order of the Court as to the persons entitled.

RE: THE ASSESSMENT ACT

GENERAL MATTERS

Simplification of the Assessment Act

The Assessment Act deals with legislation affecting the assessment, taxes and general legislation in regard to assessment matters. It is respectfully suggested that a study be made to separate the Act into separate sections covering interpretation, assessment, taxes and general legislation to simplify reference. For instance, Section 35 refers to Exemption of farm lands from taxation for certain expenditures. If this Section were placed under the heading of taxes it would be more simple to locate. It is also suggested that the interpretation Section, which is Section 1, give a definition of "owner" which is not mentioned. Section 4 of The Municipal Act gives a definition of owner, but the question of "life tenancy" should be defined as to whether it constitutes an ownership or tenancy.

Designation of Voters

It is suggested that the Assessment Act be amended to provide a new designation for M.F.N.C. voters, it being suggested that there be no designation for any voter, except that owners should be designated by an "O".

Tax Arrears

It is suggested that the Assessment Act be amended to provide the following:

(a) That penalties and interest on taxes may be charged at the rate of 1% per month on current taxes up to the end of the current tax year;
(b) that the present provision for interest on arrears at a rate of ½% or 2/3% per month after the current tax year, should be raised to either 2/3% or 3/4% per month during the period when such taxes are in arrears;
(c) that the $1,000.00 exemption, with respect to the increase in penalty above ½ of 1%, would be eliminated, in view of the difficulty of administering and controlling the imposition of penalties with the said exemption in effect.

* * * * * * * * * * *

The Planning Director has submitted a suggestion that the Committee include in the Brief to the Select Committee, a recommendation for changes in the Assessment Act, allowing municipalities, where there is an Official Plan for land use, and implementing restricted area "Zoning" by-laws, to base taxation on the potential use of the site, according to the Official Plan.

The Council makes no recommendation in respect to this proposal at this time, in view of the sweeping nature of the proposal, and of the need for a detailed study to determine the effect thereof, but draws the proposal to the attention of the Select Committee for study.

* * * * * * * * * * *

In view of a recent decision of the Supreme Court of Canada, in the case "World Wide Evangelization v. Beamsville", which followed the recent addition to Section 4 of the Assessment Act, of paragraph (4), it is suggested that paragraphs (5) and (6) of Section 4 should be carefully scrutinized and revised by the Legislature, to bring out the true intent of the Legislature in describing "a seminary of learning", since under the interpretation of the Supreme Court of Canada, it would appear that any private school of whatever grade taught would be a seminary of learning and tax free so long as the profits were ploughed back into the undertaking. A similar amendment should be made to paragraphs (5) and (6), as was added to paragraph (4) so that the premises would not be exempt where they were owned by a private individual and rented to a seminary of learning.

APPENDIX C

SUBMISSION OF THE COUNCIL OF THE
CORPORATION OF THE CITY OF LONDON
to the
SELECT COMMITTEE
on the
MUNICIPAL ACT AND RELATED ACTS

RE: THE DOG TAX AND CATTLE, SHEEP AND POULTRY PROTECTION ACT

SECTION 5 (1) - It is suggested that this section of the Act, which provides for the licensing and control of dogs, should be broad enough to include other animals considered as pets.

The reason for suggesting this is that there are animals other than dogs, which from time to time create a nuisance to persons living in an area adjacent to the owner.

GENERAL MATTERS

It is suggested that the attention of the Select Committee be drawn to the problem created by dogs trespassing on private property and to the desirability of an amendment to the Dog Tax and Cattle, Sheep and Poultry Protection Act to permit municipalities to pass by-laws to control such dogs.

APPENDIX D

SUBMISSION OF THE COUNCIL OF THE
CORPORATION OF THE CITY OF LONDON
to the
SELECT COMMITTEE
on the
MUNICIPAL ACT AND RELATED ACTS

RE: THE FACTORY, SHOP AND OFFICE BUILDING ACT

SECTION 78 - It is suggested that the Factory, Shop and Office Building Act be amended at Section 78, to clarify the following:

(a) the method of determining the principal trade;

(b) the method of classifying shops and to authorize municipalities to classify shops;

(c) to provide that where there are two by-laws with respect to one trade, and there is a conflict in the hours due to the fact that a by-law passed under Sub-section 5 requires the trade to be closed for one-half the day on a particular day of the week, the by-law passed under Sub-section 5 of Section 78 shall take precedence, and the hours for closing therein shall apply, whether the general closing by-law governing the evening closing hours was passed under Sub-section 3 or Sub-section 4 of Section 78.

* * * * * * * * *

It is suggested that the Select Committee give consideration to the following resolution, which was originally submitted by the City of London to the Convention of the Association of Ontario Mayors and Reeves, and was adopted by this Association at their Convention held on June 26, 27 and 28, 1961, namely:

"THAT WHEREAS the present regulations under the Factory, Shop and Office Building Act, Section 78, subsection 4, require the municipality to provide by By-law, that shops of a certain class or classes shall be closed during the hours named in the petition;
AND WHEREAS it is considered that the said Subsection has not been amended so as to conform to the new shopping habits of rapidly expanding communities;
THEREFORE BE IT RESOLVED that the Ontario Government be respectfully requested to review the early closing regulations incorporated in the Factory, Shop and Office Building Act; and that Subsection 4 of Section 78 of the said Act be amended to permit the Councils of Cities, Towns or Villages, notwithstanding the receipt of a petition under the said Subsection, to use its discretion in permitting any shop of the particular class concerned to remain open until not later than 9 o'clock in the afternoon on any day or days, not exceeding three, in any week."

APPENDIX E

SUBMISSION OF THE COUNCIL OF THE
CORPORATION OF THE CITY OF LONDON
to the
SELECT COMMITTEE
on the
MUNICIPAL ACT AND RELATED ACTS

RE: THE HIGHWAY TRAFFIC ACT

GENERAL MATTERS

Emergency Traffic Regulations

It is recommended that your Committee give favourable consideration to recommending the necessary amendments to the Municipal Act or the Highway Traffic Act, to allow a municipality the power to authorize, without by-law, the use of such traffic control devices for a period of 60 days and, should it be necessary, to extend such period of use a further 30 days.

Instalment Payments

It is suggested that the Highway Traffic Act be amended to provide for the Province making monthly and quarterly instalment payments to the municipality, with respect to Highways, estimated on the basis of 90% of the previous year's total.

Jurisdiction Over City Streets

It is suggested that the Highway Traffic Act be amended to make it clear that, with the exception of Highway Connecting Links, the municipal Council shall have jurisdiction over the regulation of traffic on all local streets without reference to the Department of Transport of Ontario.

Posting of Temporary Signs

For many years, various works, requiring the obstruction of roadways, have created traffic operational problems. Periodically, it becomes essential to introduce various traffic regulations as the work progresses. These regulations may involve the use of temporary regulatory controls such as traffic signals, stop and yield signs and one-way street designations.

Provision should be made in the Highway Traffic Act for municipalities, without other approval, to post temporary signs regulating through-streets, one-way streets, and parking, in the case of emergencies.

APPENDIX F
SUBMISSION OF THE COUNCIL OF THE
CORPORATION OF THE CITY OF LONDON
to the
SELECT COMMITTEE
on the
MUNICIPAL ACT AND RELATED ACTS

RE: THE MUNICIPAL ACT

SECTION 14 - This is the section dealing with annexation. The Registry Act provides that orders of The Ontario Municipal Board changing boundaries should be registered together with the by-law passed by the municipal council in respect of which the Board's order was made. As the Board's order does not follow, as a rule, the boundaries set out in the council's by-law, and as the by-law is not the effective document, it is suggested that there be added to this section, a subsection providing that notwithstanding The Registry Act, the by-law upon which The Ontario Municipal Board's order is based need not be registered.

SECTION 18 - It is suggested that Section 18 of the Municipal Act be amended, in the 4th last line, by adding the words "amended or", so that by-laws affecting land and highways in annexed municipalities remain in force until amended or repealed by the Council of the annexing municipality.

It has been noted in those parts of the surrounding townships recently annexed to the City of London, that various forms of legislation were in force relating to streets and highways. Generally, they are comprised of by-laws or portions thereof, passed by the County and both Townships, and regulations and portions thereof, made by the Lieutenant Governor in Council under the provisions of the Highway Traffic Act. The Municipal Act provides that such by-laws of a locality or a municipality shall remain in force until repealed by the City.

However, it is recommended that your Committee give favourable consideration to recommending the amendment of the Municipal Act to include the retention in force of those applicable by-laws or portions thereof, passed by the County, and regulations made under the Highway Traffic Act, where a locality or a municipality, or a portion thereof, is annexed to another municipality.

SECTION 34 - This section provides as to those persons qualified to be elected as members of council. With regard to this section, questions have arisen from time to time, as to whether a person once elected has to continue to meet the requirements as to qualification. It is suggested that this section should be amended to provide that the qualifications should be required to be met throughout the term of office. Otherwise, a person might continue to sit as an elected member of council, notwithstanding the fact that he might no longer be a British subject, not be entitled to vote or not be a householder.

SECTION 60 - It is suggested that Subsection 4 of this Section of the Municipal Act be amended to make it clear that the constables may be either regular constables in uniform, or special constables or clerks.

SECTION 91 - It is suggested that Section 91 of the Municipal Act be amended to permit the taking of votes in any hospital, home for the aged or other charitable institution, having a bed capacity of not less than 200, in addition to the powers presently provided.

SECTION 93 (1) (b) - It is suggested that the Municipal Act be amended to provide a new designation for M.F.N.C. voters; it being suggested that there be no designation for any voter, except that owners should be designated by an "O".

RE: THE MUNICIPAL ACT

SECTION 93 (1) (d) - It is suggested that the Municipal Act be amended to provide that the Poll Clerk shall ascertain the occupation of a voter and enter it in a column of the Poll Book provided for that purpose. The Council considers that occupation is an important element of the identity of a voter, and as such should not be copied into the Voters' Lists but should be ascertained from the voter and entered in the Poll Book as a check, in the event an election enquiry becomes necessary.

SECTION 103 - A question arose at the last election as to the right of a candidate or his agent to go from polling place to polling place, while the vote was being counted. It was thought that no one was entitled to enter a polling place after the close of the polls, except those persons referred to in the section in question, and that there was no right to leave and later re-enter. It is thought that this is the intent as expressed in the provisions generally, but the accuracy of this opinion was doubted by some. It is suggested that there be added to this section, a provision that "no person shall be permitted to enter or re-enter the polling place after the time of the closing of the polls".

SECTION 105 - It is suggested that Section 105 of the Municipal Act be amended to take into account other advertising media, such as radio, television, mobile public address systems, etc., and to make it clear whether the Legislature intends to prohibit election advertising in a newspaper which is distributed on election day.

SECTION 110 - It is suggested that Section 110 of the Municipal Act be amended to make it clear that each set of ballots should be kept in a separate set of envelopes.

SECTION 139 (1) - It is suggested that Section 139 (1) of the Municipal Act be amended by adding after the word ballot paper, "or other book, paper or document used in the election".

SECTION 190 (1) - It is suggested that the following words be added after Section 190(1), namely: "For the purpose of this section a Board of Control shall be considered to be a Committee of Council."

SECTION 201 - It is suggested that Section 201 of The Municipal Act be amended by substituting in the second line thereof the word "may" for "shall" so that the section shall read:

"In cities having a population of not less than 100,000 there may be a Board of Control consisting of the Mayor and four Controllers to be elected by general vote."

SECTION 206 - This section provides for the duties of the Board of Control. It is suggested that there is room for a redefinition of the powers of the Board, and that there should be a statement what the powers are in the Council at large. Subsection 1(b) is difficult to apply to small contracts where tenders are not called, and this would appear to fall neither within this subsection nor subsection 5. It is difficult, also, to reconcile the words of subsection (1)(b) stating that it is the duty of the Board of Control to award all contracts when, in fact, this is not so, inasmuch as contracts must be entered into by the council at large, under a by-law. It is suggested that the amendment should take the form that the Board of Control should call for tenders where deemed advisable, and should recommend to the council the tenders which should be accepted and contracts which should be entered into. There appears to be no reason why this should not extend to all contracts, and not only to those applicable to works and purchases of goods and property. This would require the revision of subsection (5) to bring it into conformity with the change.

RE: THE MUNICIPAL ACT

SECTION 206 (2) - It has been suggested that Section 206 (2) of the Municipal Act be amended to provide that "the Council shall not appropriate or expend ----- any sum not provided for by the estimates, by funds available from debentures or other authorized borrowings, -----" without a two-thirds vote of the Council.

The City Council believes that the proper approach in this situation would be for debentures to be shown in the Annual Budget with the first year's levy in full being shown as a current expense.

SECTION 247 - In view of the submission which the City Council is making in regard to Section 395 and other similar sections, it is felt that this section should be reworded, after the principle of licensing powers of the City Council and the Police Commission has been determined.

SECTION 297 (2) - It is suggested that the regulations promulgated by the Department of Municipal Affairs, pursuant to Section 297(2) of the Municipal Act, be amended by reducing the percentage which may be withdrawn from the reserve, provided for under the said Section, to 10%, which is the maximum percentage by which the fund may be increased in any one year.

SECTION 297 (5)- It is suggested that Section 297(5) of The Municipal Act be amended to provide that where a Board, Commission or other body fails to file its estimates within the time stipulated in the Council's by-law, the Council may levy a rate not exceeding the rate which was included in the tax levy of the preceding year, for the Board, Commission or body concerned.

SECTION 302 - It is suggested that Section 302 of the Municipal Act be amended to make it clear that the term "Short-Term Bonds" includes investments provided for under The Trustee Act.

SECTION 303 - It is suggested that Section 303 of the Municipal Act be amended to require a separate accounting to be kept of money received from the sale or hypothecation of debentures, but to eliminate the requirement that a separate bank account is to be used.

SECTIONS 321-328 - It is suggested that the Ontario Municipal Board Act be amended to provide that a local municipality may proceed with a capital work, without securing approval of the Ontario Municipal Board, provided the gross debenture debt of the municipality does not exceed 15% of the assessment for general purposes, or $200.00 per capita; and further provided that the cost of the capital works undertaken in any one year, shall not exceed 2% of the total assessment, without the approval of the Ontario Municipal Board.

SECTION 336 - The Council of the City of London respectfully suggests that the Legislature consider the standardizing of the expropriation proceedings throughout the Province, and that it be stressed that it is considered desirable to have a standard procedure used by all bodies holding the right to expropriate lands, throughout the Province of Ontario.

SECTION 338 (1) - It is suggested that Section 338(1) of the Municipal Act be amended, regarding deferred widening of highways, to provide that upon application to the Ontario Municipal Board, the period within which the deferred widening must be carried out may be extended to a total of twenty years, instead of the present 10 year limit.

Alternately, it is suggested that the Planning Act might be amended to permit the municipality to handle deferred widenings by set-back regulation, with power being given to the owner to make application to the Ontario Municipal Board for a determination as to whether compensation is payable.

RE: THE MUNICIPAL ACT

SECTION 379 (1) - Refers to by-laws which may be passed by local municipalities, and the following recommendations are made to the paragraphs as numbered in that section:

(1) empowers the regulation and the keeping of domestic fowl, pigeons, and animals, etc. It is recommended that there should be added to the power of regulation, the power of prohibiting;

(2) Paragraph 55 provides for the clearing away and the removal of snow and ice from roofs. Frequently danger comes from accumulation of ice on eaves, down pipes and fire escapes, and in substitution for the word "roofs", it is suggested that the words "buildings or parts thereof" be inserted;

(3) Paragraph 94 - this empowers the council to grant permission for buildings to encroach or further encroach upon a highway to such extent not exceeding 2". It is not clear from the section whether the overall encroachment is to be 2" or whether the 2" is referrable to the additional encroachment. It is suggested that the paragraph be rephrased to clarify the intent.

(4) Paragraph 96 provides for the placing of telegraph and telephone poles and wires upon a highway, and while it refers to the supplying of electricity for light, heat or power and the placing of wires in pipes or conduits, there appears to be no power for the placing of telegraph and telephone wires in conduit. The section should be amended accordingly.

(5) Paragraph 122 empowers the prohibition or regulation in respect of signs on buildings or vacant lots within any defined area or on land abutting on any defined highway or part of highway. It is difficult to apply this section, because there is no definition of a vacant lot. If the area of land vacant is 10' x 10' it might not qualify as a vacant lot, or if it is 10 acres the wording would also be inapplicable. The choice of the words "abutting on a highway" is not good. There may be an ownership of land of some 50' adjoining a highway and the municipality would not be able to regulate or prohibit the erection of a large obnoxious sign just beyond the 50' limit. It is recommended that the paragraph be withdrawn to enable the municipalities to prohibit or regulate the erection of signs and other devices within the municipality or any area or areas thereof and within one-quarter mile of any highway. The distance of one-quarter mile is that described in The Highway Improvement Act applicable to counties.

SECTION 379 (1) - It is suggested that this subsection should be amended at paragraphs (30) and (31), to provide for the adequate regulation of the sale and setting off of fireworks; paragraph (30) to be revised to read: "(30) for regulating or prohibiting the sale of fireworks or any type thereof or for prohibiting such sale on any day or days during the year"; paragraph (31) to be altered to read: "(31) for regulating or prohibiting the setting off of fireworks or any type thereof in a municipality, or in any defined area or areas thereof, or for prohibiting the setting off thereof on any day or days during the year, and for requiring a permit for the holding of displays of fireworks or any type thereof, and prescribing the conditions under which displays may be held under such permit."

SECTION 379 (1) - It is suggested that this subsection should be amended at paragraph (36) to provide that a municipality shall have the right to pass by-laws prohibiting the setting out of fires in the whole or in part of the municipality, and during any time or times of the year, regulating the manner in which fires may be set out.

RE: THE MUNICIPAL ACT

SECTION 379 (125) - "Control of Wastes" - It is suggested that this section be amended to include commercial and institutional wastes in addition to domestic and industrial wastes. It is suggested, also, that this section be amended to read as follows or similarly: "This paragraph shall apply equally to both existing premises as well as premises under construction."

SECTION 380 (1) - It is suggested that Section 380, Subsection 1, be amended to provide that where a sewer has been constructed by the municipality, either under the Local Improvement Act or otherwise, and land abutting on the sewer or land which may be connected to the sewer by a private drain connection has not been assessed for a sewer, a sewer rental rate may be charged for a period not exceeding the average term of years for which the municipality issues debentures for sewer construction purposes, the sewer rate to be determined by the Council and be related to the average per-foot frontage charge levied under the Local Improvement Act, for sanitary sewers.

SECTION 380 (16) - "Sewage Rate Structure" - It is suggested that this section be amended to include specific mention of a surcharge or levy that may be made for above- normal sewage strengths and to clearly provide the municipality with the power to set the value of normal sewage strength.

SECTION 395 - Et Seq.

Re: The Powers of Boards of Police Commissioners

The Municipal Act presently empowers Boards of Police Commissioners to enact by-laws for licensing and other purposes. In most cases, it leaves in the hands of the municipal council, the fixing of the license fee and the right to determine the length of time a license should be in force. The County Judge is one of the members of the Board and the Magistrate is another. Offences under a licensing by-law would be first heard by the Magistrate, and an appeal would go to the County Judge. Under these circumstances, the enactors of the by-law also sit on the matter of an alleged offense under the by-law. It is viewed that the Board of Commissioners of Police should not be a legislative body, but should be concerned only with the administration of law and order and enforcement. It is recommended that all powers of licensing and regulating now vested in Boards of Commissioners of Police, should be revested in municipal councils. This would place all the power of legislation, including the fixing of license fees and duration of license, in the proper legislative body.

It is recommended that all legislative powers, vested in Boards of Commissioners of Police, be abolished and given to Municipal Council.

Boards of Commissioners of Police are primarily concerned with the enforcement of law and as a consequence, they should not be expected to enact laws which they themselves must enforce. Further, laws as enacted by Municipal Council and the Board could, on occasion, conflict, which is not desirable and could conceivably result in conflicting legal argument when persons are before the Court.

It is considered that the power given to the Board of Commissioners of Police to license, regulate and govern teamsters, carters, etc., should be redrafted to provide expressly for the licensing of ambulances and drive-yourself vehicles.

RE: THE MUNICIPAL ACT

Provision should also be made in the Municipal Act, to permit the licensing authority to exempt from the provisions of the by-law which fixes rates of fare, any rate which is established by contract. An arrangement of this nature is required in order to permit Companies to enter into contracts for the transfer of passengers and personnel, for instance, from an Airport into the municipality at a fare which is less than the tariff rate, but is in accordance with an Agreement arrived at between the Taxi operator and either the Airport management or a specific airline.

SECTION 399 - (5) - This subsection refers to the licensing and regulating of victualling houses, ordinaries and houses where fruit, fish, oysters, clams or victuals are sold to be eaten therein and for licensing places for the lodging, reception, refreshment or entertainment of the public. It is suggested that this paragraph be redrawn, perhaps breaking it up into two paragraphs, revising the archaic language referring to places supplying food to the public for consumption on the premises. It is found difficult to understand what the latter part of the paragraph is intended to cover. It is thought that it does not apply to hotels, and boarding houses are covered in other sections of the Act. If it is intended that it should apply to restaurants where there is entertainment, then the paragraph could, perhaps, be redrawn to give effect to that intention.

SECTION 401- (12) - "Plumbers" - It is suggested that this paragraph be amended as follows:

(a) For examining, licensing, regulating and governing Plumbing Contractors, Master Plumbers, Journeyman Plumbers, and persons doing plumbing work, and for the revoking of any such license;

(b) For the purpose of this paragraph, - a "Plumbing Contractor" means a Corporation;

a "Master Plumber" means a person who has worked six years at the plumbing trade and who is skilled in the planning, superintending and installation of plumbing, is familiar with the laws, rules and regulations governing the same and who himself, or by Journeyman Plumbers in his employ, performs plumbing work;

a "Journeyman Plumber" means a person other than a Master Plumber who has worked 5 years at the trade and has acquired sufficient skill and knowledge of the trade to be a safe and responsible mechanic.

For Appointment of Board of Examiners

The Board of Examiners shall be properly qualified persons and shall set such examinations as may be proper to ascertain if the applicants are qualified to perform the work in respect of the classification which the applicant shall designate.

It is suggested that a new section be added to the Municipal Act, to define Plumbing and Plumbing Work, as follows:

"Plumbing" shall include pipe or pipes for the purpose of the distribution of a water supply within or adjacent to a building, drain pipes, soil or waste pipes, used or useful for the removal of sewer gas and vapours, water, rain-water, waste or sewage, including that portion of such soil or waste pipes extending to a point three feet outside the outer face of the wall of such building, also fittings, fixtures, traps, appliances, connections, supports and appurtenances in connection with the removal

RE: THE MUNICIPAL ACT

of sewer gas and vapours, water, rain-water, or sewage therefrom, other than drains as above defined.

"Plumbing Work" shall include the installation, construction, reconstruction, relocation or replacement of Plumbing or any part thereof or additions thereto.

SECTION 401 - (3) - It is suggested that a new section be added to the Municipal Act, to define Building Sewer or Drains and Drain-Laying, as follows:

"Drain" shall mean that part of the piping of a building drainage system used or useful for the removal of sewer gas and vapours, water, rain-water, waste or sewage, extending from a point three feet outside of the outer face of the building wall to its connection with the Municipal Drain or Sewer, or with a cesspool, septic tank, or place of discharge of sewage; or rain and surface water.

"Drain-laying" shall include the laying of drains, the installation of septic tanks, the repair, reconstruction of drains, the removal of tree roots or other obstruction from drains and private drain connections by mechanical or other means.

SECTION 405 - 406 - It is suggested that the Municipal Act be amended so that provision is made for the Councils of local municipalities to have authority to insure the members of the Council against death, injury or dismemberment, while such Council members are on City business.

SECTION 459 (1) - It is suggested that Section 459(1) of the Municipal Act be amended to empower municipalities to construct bridges over rivers, gullies and other natural barriers, and to construct grade separations either by overhead bridges or subways, whether such overhead bridge or subway is on existing street allowance or land acquired for that purpose; and to authorize the acquisition of land for such purpose; and further, to authorize the issue of debentures for the acquisition of land and for the construction of the said structure.

SECTION 469 (3) - This subsection empowers a municipality to pass by-laws to permit owners to encroach on highways for certain purposes, such as signs, canopies, etc. It is recommended that there be added a provision which would permit the construction and maintenance of fire escapes over highways, and which would permit the swing of doors over highways.

GENERAL MATTERS

By-laws Regulating Trades

It is suggested that all By-laws which are enacted and intended to regulate the various trades should be abolished and in their stead, regulations necessary for the supervision or control of the trades should be enacted by the Provincial Government.

This would provide for uniformity which is now lacking as between municipalities and would make it possible for any tradesman to be employed anywhere in the Province without the benefit of a municipal license in any area in which he might be employed. At the moment, certain trades must secure a license from each municipality in which they are employed, even on a temporary bases, and as previously stated, Provincial Legislation governing these trades would simplify the whole matter.

RE: THE MUNICIPAL ACT

GENERAL MATTERS (Continued)

Disqualification from being Elected to Council

The Ontario Municipal Act, Chapter 243, Sec. 56, para. 1 (page 34) provides that "the following shall not be eligible to be elected a member of a Council or be entitled to act or vote therein": an Assessment Commissioner, Assessor, a Collector of Taxes, a Treasurer, a Clerk, or any other officer, employee or servant of the Corporation of a Municipality: R.S.O. 1951, C243, S56 (1) Subsection E.

We feel that this is unrealistic and tends to relegate municipal employees to the realm of second class citizens, denying them the rights and privileges enjoyed by all other citizens of the community.

We realize that possibly it would not be feasible for a municipal employee to be a member of his own municipal Council or Board of Control, and at the same time be an employee of that particular corporation, but some clarification should be made of the Act because we find that in some municipalities civic employees are excluded from sitting on the Board of Education, Library Board, Board of Hospital Governors, etc., whereas in other municipalities they are given that privilege. Some clarification should be given as to whether an employee of one municipality is excluded from being a member of the Council or Boards as outlined above, for the municipality wherein he resides and pays taxes.

NOTE: This submission, originally, came from the London and District Labour Council.

APPENDIX G

SUBMISSION OF THE COUNCIL OF THE
CORPORATION OF THE CITY OF LONDON
to the
SELECT COMMITTEE
on the
MUNICIPAL ACT AND RELATED ACTS

RE: THE MUNICIPAL FRANCHISE EXTENSION ACT

The following is the Submission of The London Council of Women to the Council of the Corporation of the City of London.

"Thank you for your letter of June 1, 1961, to the London Council of Women.

We are glad to have the opportunity to express once again, our continued support of the extension of the Municipal Franchise 'except for money matters, to all those of twenty-one years of age and over. British Subject by birth or naturalization, has resided in the community for twelve months, and is not otherwise disqualified under any Act or otherwise prohibited by law from voting'.

The Extension of the Municipal Franchise Bill 160 - 1958, limited the use of the franchise to voting on just Mayor and Aldermen, and excluded methods of enumeration for the voters' list which were not acceptable to many municipalities.

We have noted with pleasure, that Windsor and London City Councils have moved to have the Provincial Government take action to extend this Franchise to all elected offices of any municipality, and to have the Act a uniform Municipal Franchise throughout Ontario.

We, the London Council of Women, hope that your Committee will stress the need of this extension on a Province-wide basis in your recommendations to the Select Committee on the Municipal Act and Related Acts.

We believe that our Canadian Democratic form of Government, with its recognition of the responsibility of the Canadian Citizen to that form of Government, includes the inherent right of the individual in the use of the Franchise on all levels of Government. The present situation, whereby the Municipal Franchise Extension Act 1958 made this optional for the Municipal Governments, creates an irrational, confused approach to this basic principle.

Present statistics on the use of the Municipal Franchise by those eligible to vote, show an appalling lack of interest in most localities. We believe that a good part of this can be traced to past and present confusion in the voter's mind as to -- What are his responsibilities and when can he assume these responsibilities?

We hope that the present Committee will seriously consider these amendments to the Municipal Act, in their recommendations to the Select Committee."

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The following is the Submission of The Business and Professional Women's Club to the Council of the Corporation of the City of London.

"In reply to your letter of June 1st, 1961, the London Business and Professional Women's Club wishes to thank you and your Committee for the invitation to submit material for the City of London brief to the Select Committee of the Legislature.

The London Business and Professional Women's Club recommends as follows:

'That the Ontario Legislature be petitioned to extend the municipal franchise to provide that resident voters shall be entitled to vote at municipal elections, except on money by-laws and on money questions, in order that the resident voters may

RE: THE MUNICIPAL FRANCHISE EXTENSION ACT

" 'be in the same category, for voting purposes, as tenants and M.F.N.C. voters;

also that the qualification for extension of the franchise which now reads "shall be a British subject" be changed to "shall be a Canadian citizen".'

We regret that we are not able to make submissions on any of the other Acts, but our Club is winding up its meetings for the summer, and time does not permit sufficient study for us to make further recommendations."

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RECOMMENDATION OF THE COUNCIL OF THE CITY OF LONDON:

It is suggested that the Municipal Franchise Extension Act be amended to give voters under the said Act, the right to vote on all ballots, except money by-laws and money questions.

APPENDIX H

SUBMISSION OF THE COUNCIL OF THE
CORPORATION OF THE CITY OF LONDON
to the
SELECT COMMITTEE
on the
MUNICIPAL ACT AND RELATED ACTS

RE: THE ONTARIO MUNICIPAL BOARD ACT

GENERAL MATTERS

It is suggested that the Ontario Municipal Board Act be amended to provide that a local municipality may proceed with a capital work, without securing approval of the Ontario Municipal Board, provided the gross debenture debt of the municipality does not exceed 15% of the assessment for general purposes, or $200.00 per capita; and further provided that the cost of the capital works undertaken in any one year, shall not exceed 2% of the total assessment, without the approval of the Ontario Municipal Board.

It is suggested that the Select Committee give consideration to the establishment of Regional Offices of the Ontario Municipal Board for the purpose of expediting hearings of the Ontario Municipal Board in such regions.

It is suggested that the City Council express to the Select Committee on The Municipal Act and Related Acts its concern regarding the power presently vested in the Ontario Municipal Board to order a Council to take steps which are contrary to the expressed policy of the Council.

APPENDIX I

SUBMISSION OF THE COUNCIL OF THE
CORPORATION OF THE CITY OF LONDON
to the
SELECT COMMITTEE
on the
MUNICIPAL ACT AND RELATED ACTS

RE: THE PLANNING ACT

SECTION 2 (5) - It is suggested that this Section of the Planning Act be deleted so as to eliminate all reference to "subsidiary planning areas".

SECTION 17 (5) - It is suggested that this section be amended by adding at the end of the section, the following words: "This fee to be returnable to the applicant if the Committee rules that it has no jurisdiction to decide the case."

SECTION 18 (12) - It is suggested that the time limit stated in this section, for sending a notice of appeal to the secretary of the Municipal Board, be cut down from fourteen days to, possibly, seven days. The fourteen days is too long as the Department has some idea of adding three more days on to the fourteen, as days of grace. This, it is felt, is quite an obstruction on the building trades, as it is only at the time that an application is being made for a building permit that an applicant finds that he cannot do what he has planned to do, and this can be a serious matter, especially on large jobs. At the very least, it takes five weeks to get a firm decision, from the time that an application is received, and very, very frequently much longer. The idea, it is believed, behind the fourteen days is to give any taxpayer in the City a chance to protest permission being given for the variance.

SECTION 28 (5) (a) - It is suggested that this Section of the Planning Act be amended to provide that the area of land to be dedicated for public purposes is to be determined on the basis of planned population density, rather than the acreage of land being subdivided.

It is further suggested that Section 28(5)(a) be amended to make it clear that the "public purposes" for which the dedicated land is to be used, is to be determined by the Council and includes such uses as school sites, Fire Hall sites, and other similar uses.

It is respectfully pointed out to the Committee, that the City of London has had difficulty with regard to the interpretation placed on the term "public uses", there being some inclination on the part of certain officials to interpret this phrase as meaning parks uses, exclusively.

SECTION 31 - Paragraph 16 of Section 31 of this Act empowers the Municipality to pass by-laws authorizing the pulling down, repairing or renewing, at the expense of the owner, any building, etc. which is by reason of its ruinous or dilapidated state, in an unsafe condition as regards danger from fire or risk of accident. There has been considerable controversy arising from the buildings on Richmond Street, London, which were damaged by fire, and strong representations have been made to the City Council that the City Council should order the buildings torn down, notwithstanding the fact that the buildings were the subject of litigation. The English cases seem to indicate that an order of this sort should not be made, except after hearing the parties. It is suggested that the paragraph should be amended to provide some machinery to deal with matters of dilapidated buildings. It is viewed that the section should provide for notice to the owner of the time and place at which the Municipal Council will consider representations regarding the necessity for the pulling down, repair or

RE: THE PLANNING ACT

renewal of the building or structure, that an opportunity should be given for all parties to be heard, that those parties who attended and filed a written request should be notified of the Council's decision. If the Council's decision is that the building should be torn down, repaired or renewed, notice should be given to the owner, requiring him to forthwith proceed and if the owner fails to proceed within the time limited by the Council, the Council might then pass a by-law requiring the building to be torn down, repaired or renewed at the expense of the owner. Machinery should also be provided for the collection of the costs and expenditures made for the purpose by the municipality, and for priority over other claims. There should also be a provision that municipal council, having carried out the provisions of the paragraph, would be under no liability for damages to any person.

It is suggested that provision should be made in the Planning Act for Regional Planning.

SECTION 31 (1) - Re: Control of Private Driveways

Past experience has indicated the need for more explicit control over access to streets from abutting private property, particularly the size, number and location of commercial and private driveways to protect pedestrians and vehicular street traffic from undue interference. All too often, such facilities interfere with traffic to suit their interval convenience. Municipal control should insure that the public interest in the street system is not infringed upon, and that private developments along the street margin do not place burdens upon the system. These many divergent and competing elements of street use must be reconciled since each, in its proper place, serve the public interest.

It is therefore recommended that your Committee give favourable consideration to recommending the amendment of the Planning Act to specifically permit a municipality to regulate the size, number and location of private driveways entering a public street.

RE: THE PLANNING ACT

GENERAL MATTERS

Definition of the Term "Municipality"

It is suggested that the Planning Act be amended to provide that a county be included within the meaning of the term "municipality", so that a county may act in the same way as a city, town, village, township or improvement district with regard to planning matters, and that county boundaries be adjusted so as to define economic regions.

Committee of Adjustment Decisions

It is suggested that the Planning Act be amended to provide for prosecution, with regard to violation of Committee of Adjustment decisions.

Incorporation of the Planning Act

It is suggested that the Planning Act, as amended, be incorporated into the Municipal Act.

Passing Official Plans

It is suggested that the powers to pass Official Plans should be vested in the county.

Exercising Powers by By-law

It is suggested that the Planning Act be amended to provide that municipalities may exercise by by-law, the powers which municipalities now are exercising by development agreements, including the regulation of drainage, ingress and egress, planting strips, etc.

Deferred Widenings

It is suggested that the Planning Act be amended to permit the municipality to handle deferred widenings by set-back regulation, with power being given to the owner to make application to the O.M.B. for a determination as to whether compensation is payable.

APPENDIX J

SUBMISSION OF THE COUNCIL OF THE
CORPORATION OF THE CITY OF LONDON
to the
SELECT COMMITTEE
on the
MUNICIPAL ACT AND RELATED ACTS

RE: THE SEPARATE SCHOOLS ACT

GENERAL MATTERS

Schools, including Separate Schools, are referred to in The Planning Act, The Ontario Municipal Act, The Local Improvement Act, The Assessment Act and The Municipal Act. The following is a list of the various sections in which shcools, including Separate Schools, are referred to in these Acts.

R.S.O. 1960:

Planning Act- S.1(2); S.10(e); S.17(2)(3); S.28(4)(i); S.31(8)(a); S.31(23)(a); S.35;

Ontario Municipal Board Act: S.1(b)(c); S.47; S.48; S.49; S.50; S.53; S.54; S.55; S.56; S.57; S.58; S.59; S.60; S.61; S.62; S.63* S.64; S.65; S.66; S.67; S.68; S.69.

*S.63 - amended - See Citator.

Local Improvement Act: S. 61.

The Department of Municipal Affairs Act: S.1(d); S.1(f); S.10; S.11; S.12; S.13; S.14; S.15; S.17; S.18; S.19; S.20; S.21; S.22; S.25; S.26; S.28; S29; S.30; S.31; S.32; S.33; S.34; S.35; S.36; S.37 (re Separate Schools);S.38 (separate schools);S.39; S.40; S.41; S.42; S.43; S.44; S.60; S.64; S.65; S.66; S.67; S.68; S.70; S.71; S.72; S.73;

Assessment Act: S.4; S.20; (15); S.25, 26, 27, & 28;

Municipal Act: See Citator re S.198 (a) & S.294 (a); S.14(1); S.14(10)(b); S.24(31)(34)(35)(36); S.35(1)(M); S.60: S.294 .

It is suggested that all these references to schools be incorporated in one Act, preferably The Schools Administration Act, in order to save needless hunting through various Statutes when confronted with a specific problem.

APPENDIX K

SUBMISSION OF THE COUNCIL OF THE
CORPORATION OF THE CITY OF LONDON
to the
SELECT COMMITTEE
on the
MUNICIPAL ACT AND RELATED ACTS

RE: THE UNCONDITIONAL GRANTS ACT

GENERAL MATTERS

It is suggested that the Unconditional Grants Act be amended to provide for the Province making monthly and quarterly instalment payments to the municipality, with respect to Unconditional Grants, estimated on the basis of 90% of the previous year's total.

Provincial Grants Generally

The present system of provincial grants, and the structure of the provincial departments administering the grants, are far from satisfactory. Basic economic and social factors inherent in so many grants appear to have been replaced by political expediencies. Not only are the general aims, or purposes, of many grants badly confused, but the administrative procedures developed to administer, supervise and audit the provincial grants has risen to an unbelievable figure. In our own Department of Finance the number of provincial documents, (returns, reports, and surveys) combined with liaison visits from provincial supervisors, auditors and others have become a municipal nuisance. The economies that could be effected through a revised and consolidated system of grants administered by a minimum of provincial departments appear to be enormous. Undoubtedly, there will be severe political opposition against changes that would reduce the power and administrative overhead of certain provincial departments.

It is essential that any formulae, upon which the grants are calculated, be readily understood and easy to administer at municipal level. The present multiplicity of grants should be drastically reduced or consolidated and the aims and purposes of the grants reviewed by the elected representatives.

A "Progress Report of the Ontario Provincial Municipal Relations Committee", published in 1953, pointed out the complexity of the legislation facing municipal councils. The report stated that, "In addition to the complexity of the municipal structure, both administrative and financial, the relationship of local government to the provincial government through many of its departments is also a very involved matter". So complicated is the provincial grant structure that some fourteen departments exercise a degree of financial control over local authorities.

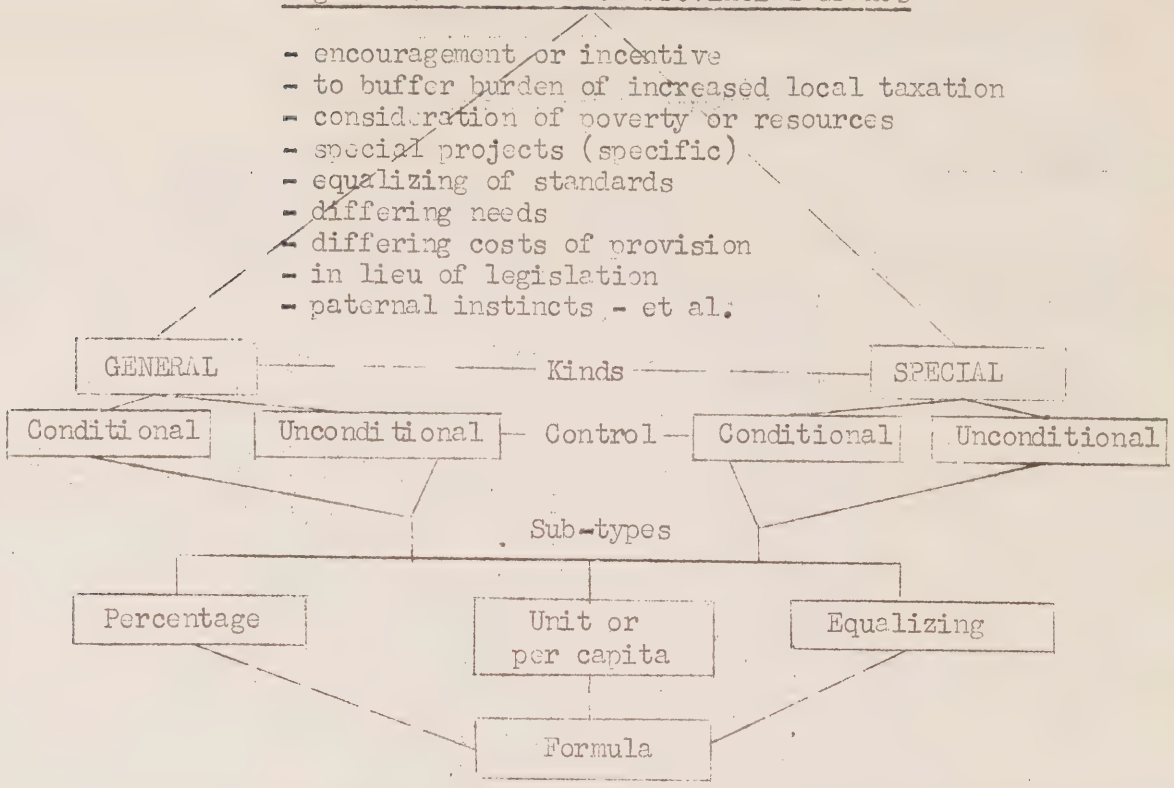
Educational grants, percentage, unit et al are covered by over 30 pages of regulations, all in fine print. Grants handled by the Department of Highways are almost as complicated. In principle there appears to be little consolidation of departmental special grants into the general provincial grant structure. In this regard it is suggested that the grant structure proposed in Figure I presents a reasonable pattern for the classification and administration of provincial grants.

Proliferation of Grants

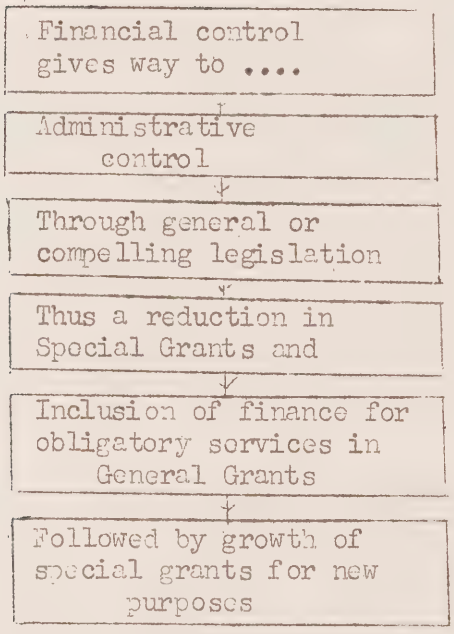
With the greatest of respect, it is suggested to the Select Committee that there is a proliferation of Auditing services under the present Provincial Grant structure, and it is suggested that all of the municipal grants be consolidated and dealt with under the Department of Municipal Affairs, so that one set of Auditors could act on behalf of all departments of the Provincial Government. It is suggested that considerable economies could be effected through the consolidation of the grants, and through the consolidation of the Auditing services required to supervise them.

SCHEDULE (i) TO APPENDIX K OF THE REPORT

GRANT STRUCTURE



Historical Development



"Rationalization" of a grant system can be seen broadly as a change in the character and methods of control that could be illustrated by a shift from the "right hand" to the "left hand" channels of the above chart. A possible "evolution" of this kind would be through the steps given in the blocks opposite.

FIGURE 1. To illustrate a reasonable pattern for the Classification and Administration of Grants.

APPENDIX L

SUBMISSION OF THE COUNCIL OF THE
CORPORATION OF THE CITY OF LONDON
to the
SELECT COMMITTEE
on the
MUNICIPAL ACT AND RELATED ACTS

RE: THE VOTERS' LISTS ACT

GENERAL MATTERS

It is suggested that the Voters' Lists Act be amended to provide a new designation for M.F.N.C. voters, it being suggested that there be no designation for any voter, except that owners should be designated by an "O".

APPENDIX M
SUBMISSION OF THE COUNCIL OF THE
CORPORATION OF THE CITY OF LONDON
to the
SELECT COMMITTEE
on the
MUNICIPAL ACT AND RELATED ACTS

RE: THE LABOUR RELATIONS ACT
and
THE POLICE ACT

GENERAL MATTERS

Civilian Employees of Police Departments

It is suggested that the Police Act be amended to permit civilian employees of Boards of Commissions of Police to bargain with Police Commissions in respect to wages and employee benefits.

The Ontario Labour Relations Act (Section 89)

Section 89 of the Labour Relations Act states:

"Any municipality as defined in the Department of Municipal Affairs may declare that this Act shall not apply to it in its relations with its employees or any of them."

No one has ever given a worthy reason why municipal employees should be set aside from other working people in Ontario in matters relating to trade unionism. The members of our organization have an enviable record of having accepted their responsibility to the public where matters of the public interest are concerned.

To allow legislation to remain on the Statutes which makes it permissive for municipal employees to be taken out from under the Labour Relations Act of the Province is discriminatory. To give the decision to management to make effective this legislation if they so choose is undemocratic. Our reasons follow:

Since 1950 there have been approximately eighteen strikes in Ontario by municipal employees because Section 89 was invoked by the municipality concerned. This has resulted in many thousands of lost working days which could have been avoided had the employer been prepared to accept his responsibility in recognizing the local union applying for certification. The employer chose not to have its employees under the Labour Relations Act, invoked Section 89, and with perfect freedom, the employees struck. Among municipalities that might be mentioned are Kingston, Lindsay, Prescott, Windsor, Wallaceburg, Cayuga, Toronto Township, Langton County, Cornwall and others.

It has been said before, and bears repeating, that of the strikes for Union recognition municipal employees (who are but a fraction of the total labour force in this province) total almost 50% of all such time lost. This in itself should provide sufficient reason for the Government to ensure that such employees are treated as are all other employees in this Province.

The Select Committee of the Legislature set up to consider the Labour Relations Act and made recommendations for changes also recommended that Section 89 be deleted from the Act. During the hearings before the Select Committee the Association of Ontario Mayors and Reeves declared that many of their members were in favour of repealing Section 89. As a matter of fact the Vice-President of that organization who was present during the reading of their beief stood up and said that she felt that Section 89 should be repealed and she knew there was much support among other members of the Association of Ontario Mayors and Reeves to have Section 89 deleted from the Act.

RE: THE LABOUR RELATIONS ACT
and
THE POLICE ACT

GENERAL MATTERS (Continued)

Let us outline to your committee reasons why it is ill advised to leave Section 89 in the Labour Relations Act:

(1) Section 89 is discriminatory because it applies to no other section of the labour movement but municipal employees.

(2) Section 89 is undemocratic for it gives management permissive powers to enact legislation which can work to the disadvantage of employees.

(3) Section 89 can be applied arbitrarily by management as a threat to Unions during negotiations or at any time.

(4) Section 89 has been the casue ofmany strikes for Union recognition.

(5) The Labour Minister of this Province has repeatedly said that Section 89 should be repealed for these same reasons.

(6) Public opinion generally favours repeal of Section 89.

(7) The Select Committee which spent many months studying this Act unanimously recommended Section 89 be deleted.

(8) Section 89 serves no useful purpose in promoting fair, equitable and harmonious relationships between the employees and the employer.

(9) Unions in the municipal field have a record of accepting their responsibilities to the public to the point where this has been commented on by many responsible people not only in public life but within the Ontario Government.

(10) Only one other Province in Canada has legislation even remotely close to this. To find that Ontario, with so many sensible principles in their Labour Relations Act, continues to maintain this antiquated legislation is not in keeping with the intent that was expressed by the Government when the Select Committee to investigate the Labour Relations Act was established. We most strongly urge your Committee to take whatever action necessary to repeal Section 89 which will place municipal employees on a plane with other members of the Labour movement.

APPENDIX N

SUBMISSION OF THE COUNCIL OF THE
CORPORATION OF THE CITY OF LONDON
to the
SELECT COMMITTEE
on the
MUNICIPAL ACT AND RELATED ACTS

RE: THE SURVEYS ACT

SECTION 56 (8) - It is suggested that this subsection should be amended to provide that where the municipality consents to the closing of streets and lanes, the closing proceedings and the cost of the conveyancing of portions of the streets, lane or lanes so closed, may be paid by the adjoining owners or the petitioners, as may be determined by the Judge issuing the closing order.

Nov. 17/61.

CITY OF LONDON

R. H. COOPER, F.C.I.S.
CITY CLERK

W. S. ROSS, B.A.
DEPUTY CITY CLERK

OFFICE OF THE CITY CLERK

CITY HALL
LONDON, ONTARIO
TEL. GE 9-3211

IN REPLY PLEASE REFER TO

OUR: B[illegible]

November 13, 1961.

Mrs. H. G. Rowan,
Secretary,
Select Committee on the Municipal Act
and Related Acts,
Room 377, Parliament Buildings,
Toronto 5, Ontario.

Dear Madam:

I hereby certify that the Municipal Council, at its last session, adopted the seventh clause of the 18th Report of The Building and Regulations Committee, namely:

"That it be suggested to the Provincial Select Committee on the Municipal Act and Related Acts and the City's members of the Legislature that a clause be included in the Municipal Act to permit Municipalities to pass by-laws for prohibiting or regulating the construction, inspection, and maintenance of signs or other advertising devices within the limits of the Municipality or any area or area thereof and for the issuance of permits for the erection thereof and the charging of fees for permits and inspections; such regulations may include requirements as to the height, location, size, spacing, number, structural design, colour illumination, maintenance standards, and prohibition of certain words or symbols."

Yours very truly,

R. H. Cooper
per WM

City Clerk.

/mg

R. H. Cooper, F.C.I.S.
CITY CLERK

W. S. Ross, B.A.
DEPUTY CITY CLERK

CITY OF LONDON

City Hall
London, Ontario
Tel: Ge. 9-3211

In Reply Please Refer To

Our: CC-1

OFFICE OF THE CITY CLERK

February 21, 1962.

Hollis Beckett, Esq., Q.C., M.P.P.,
Chairman, Select Committee on the
Municipal Act and Related Acts,
Room 377,
Parliament Buildings,
Toronto 5, Ontario.

Dear Mr. Beckett:

With further reference to our submission to the Select Committee on the Municipal Act and Related Acts dated November 2, 1961, I respectfully submit on behalf of the City Council the following proposals:

(a) That the Child Welfare Act be amended to provide that, upon a summons being issued under the provisions of the Act the Court seized of the matter shall continue to have jurisdiction notwithstanding that the husband or father may have returned to his wife or children; and further that the Act be amended to include a provision that, if the husband or father shall have deserted his wife or child and a summons shall have been issued by reason of such desertion, the Court seized of the matter may make an order for maintenance which shall be effective notwithstanding that the husband or father shall have returned to his wife or child.

(b) That Section 208 of the Municipal Act be amended to permit any municipality having a population of more than 45,000 to pass a by-law providing that there shall be an Executive Committee chosen by the Council somewhat along the lines provided in the present Section 208 but made applicable to all municipalities with a population of more than 45,000; the Committee to have powers generally similar to those conferred on Boards of Control under Section 206 of the Municipal Act.

(c) That the Planning Act be amended to clarify the power of municipalities to charge fees in connection with applications for Consents to Register and for rezoning; and that, if fees are to be charged, the Act provide that such fees be merely nominal to discourage frivolous applications and that a maximum be set with respect to the amount which a municipality may charge for processing such applications; it being pointed out that the fees to be charged in connection with applications to the Committee of Adjustment are already covered under Section 18(5) of the Planning Act.

(d) That Sub-section 3 of Sub-section 16 of the Voter's Lists Act be amended to provide that the list of appeals be prepared in subdivision order and within each subdivision in accordance with the arrangement which is followed in preparing the Voter's List; it being pointed out that the present Section requires the names to be listed in order of roll number which bears no relationship to either of the two methods followed in the preparation of Voter's Lists, (alphabetical or street and number).

Yours very truly,

R. H. Cooper

City Clerk.

RHC/sh

J. D. GEORGE, P.ENG.
CHAIRMAN
HU. 1-6171

COPY

COL. F. S. McPHERSON
SECRETARY
AV. 5-1698

METROPOLITAN TORONTO
PUBLIC UTILITIES CO-ORDINATING COMMITTEE

75 EGLINTON AVENUE EAST
TORONTO 12

July 12, 1961.

TO ALL GOVERNING & PLANNING BODIES

The Metropolitan Toronto Public Utilities Co-ordinating Committee (M.T.P.U.C.C.) has authorized me to write to all the Governing and Planning Bodies in Metropolitan Toronto Planning area, concerning the necessity of planning for proper accommodation of services. You are, no doubt, aware of the fact that as an area becomes more densely populated and heavily industrialized the need for services increases. Furthermore, the present and future tendency is for all utilities to be placed underground. This generally requires wider (than 66 foot) road allowances for certain streets in an area, which is the point I want to bring to your attention. The M.T.P.U.C.C. is seeking your co-operation to plan future widths of streets so that they will meet the requirements of the utilities.

It always has been an accepted fact that a public road allowance, in addition to providing for vehicular and pedestrian traffic, must also accommodate all the other services. If adequate provision is to be made for all the services, the generally accepted idea of a 66 foot road allowance must, of necessity, give way to a wider and better concept - that of planning the road allowances to perform their duty with efficiency and economy. Traffic, both vehicular and pedestrian, is only one of the many services that must be accommodated in the road allowance. Other services are water; sanitary sewers; storm sewers; electrical lines; lighting; T.T.C. ; trees; gas; telephone lines and trunk facilities for most of the above mentioned services. It is apparent that in order to properly locate and maintain all these services within a limited road allowance, some planning and considerable co-operation are necessary.

In the operation of the road allowances, we request the Governing Bodies and the Public Departments involved to discourage private use of the road allowances by the fronting property owners. Unpaved portions of the road allowances should be restricted to grass only. Under no circumstances should fences, retaining walls, steps, underground storage tanks, sidewalk snow removal systems, trees, tall growing shrubs, be located in this area. If trees are allowed on the road allowance they should conform to the Standard Locations Plan S-1 enclosed herewith. This will allow proper and economical installation and maintenance of Utilities.

The M.T.P.U.C.C. was organized a few years ago to do this necessary co-ordination of Utilities. It is made up of representatives of all of the organizations listed in the margin of this letter-head. It has no legal status such as different Metro Departments have, but it is approved and financially supported by the Metropolitan Toronto Council and by the area authorities. At present it only covers Metropolitan Toronto area, but soon it may be necessary to invite Townships adjacent to the Metropolitan area to become Members so that co-ordination of services within the whole Metropolitan Planning Area may be achieved.

Actually M.T.P.U.C.C. is a descendant of the City of Toronto P.U.C.C. which was started by a few forward looking officials in 1932. At that time these officials saw that accommodation of underground services was gradually becoming a serious problem. That problem no doubt has increased tremendously and now it covers not only the City of Toronto area but all of the Metropolitan Toronto Planning Area.

Coming back to the purpose of this letter, we realize that in order for M.T.P.U.C.C. to achieve its aims it must have the co-operation of the different planning and governing bodies. In the old areas land use studies and re-zoning should consider necessary services that must be accommodated. In the new areas subdivisions should be planned with the Utilities in mind. Planned Utilities with proper minimum clearances can save a community, such as this, millions of dollars each year by reducing the tremendous costs of construction and maintenance.

With these views in mind the M.T.P.U.C.C. recommends as follows: -

(1) In re-planning or re-development of old areas, and widening of existing streets, M.T.P.U.C.C. be consulted to advise the Planning Bodies of the needs of the Utilities.

(2) In planning of new areas, such as new subdivisions, that the needs of the Utilities be considered as part of the planning and where different situations are encountered, or in special cases, if deemed necessary, M.T.P.U.C.C. be consulted to advise the planners of the future needs of the Utilities.

(3) In consideration of future by-laws, those affecting the utilities should be referred to M.T.P.U.C.C. before they are finalized.

(4) That M.T.P.U.C.C. meet with the heads of the Planning Bodies from time to time to discuss matters of mutual interest.

In order to further familiarise you with the existence, aims, and objects of M.T.P.U.C.C., I enclose the following : -

(1) M.T.P.U.C.C. Standard Locations Plan revised February 23, 1961, and Specification of Standard Locations for Public Utilities in connection with this plan.

These are the result of considerable studies made over a long period of time by the Committee and particularly by its Sub-Committee on "Ideal Locations For Utilities".

(2) Copy of a Utilities Plan covering a small area of Metropolitan Toronto. This is typical of plans produced by M.T.P.U.C.C. (present rate approximately 200 plans per year). The ultimate aim is to cover all of the Metropolitan area by such plans.

(3) Copy of a letter written to Mr. A.L.S. Nash, Director of Community Planning Branch, Department of Municipal Affairs, which is self-explanatory.

(4) Copy of a letter recently written to Mr.M.V.Jones, Metropolitan Toronto Commissioner of Planning and Secretary-Treasurer, in connection with the proposed improvement of Jarvis Street, as a typical case of future street widenings.

A reply at your earliest convenience will be appreciated.

Yours very truly,

J. D. George,
Chairman, M.T.P.U.C.C.

JDG/CH
Encls.

COPY

July 13, 1961.

Hollis Beckett Esq., Q.C., M.P.P.,
Chairman of a Select Committee on
The Municipal Act and Related Acts,
372 Bay Street,
Toronto, Ontario.

Dear Sir,

The Metropolitan Toronto Public Utilities Co-ordinating Committee (M.T.P.U.C.C.) has asked me to write to you as Chairman of a Select Committee on the Municipal Act and Related Acts, and to request your co-operation on any necessary action that should be taken by the M.T.P.U.C.C.

I find this, Sir, a wonderful opportunity to acquaint you with the existence, operation and aims of our M.T.P.U.C.C. To do so, I enclose herewith copy of a letter, with the enclosures mentioned therein, which we have forwarded to all local Governing and Planning Bodies in Metropolitan Toronto Planning Area (Metro Toronto Area and all adjacent Municipalities) and to Mr. A. L. S. Nash, Director of Community Planning Branch, Department of Municipal Affairs.

I must add that the idea of a Public Utilities Co-ordinating Committee has been spreading very rapidly in recent years. Many Cities and Towns in Ontario have organized, or are in the process of organizing, a P.U.C.C. along the same lines as ours. This, of course, is mainly due to the fact that the Utilities are becoming more and more important in our every day life and industrial development.

If there are any items scheduled to come before your Committee that deal with Public Utilities, or if there is, in your opinion, some way that your Committee could help the Utilities, we would appreciate you advising us.

In the meantime, if we can be of any assistance to you, our M.T.P.U.C.C. is at your disposal.

Yours very truly,

J.D.George,
Chairman, M.T.P.U.C.C.

JDG/CH
Encl.

COPY

July 20, 1961.

M.T.P.U.C.C.

Hollis Beckett Esq., Q.C., M.P.P.,
Chairman of the Select Committee on
The Municipal Act and Related Acts,
Room 377, Parliament Buildings,
Toronto 5, Ontario.

Dear Sir, Attention: Mrs. H.G.Rowan, Secretary.

On behalf of M.T.P.U.C.C. I thank you for your letter of July 17 indicating that the information we forwarded to you will be placed before your Select Committee.

My letter of July 13, and the attached information, covered practically all the matters that M.T.P.U.C.C. wishes to bring to your attention at this time, but for the convenience of the Select Committee, and to add one or two more points, I would like to summarize the whole subject matter.

1. The future road allowances should be designed to accommodate all services properly.

2. Existing road allowances should be widened as soon as possible for the same purpose.

3. Where it is not possible to acquire the widening strips immediately, legislation should be passed to allow the Utilities to use such strips in the meantime by right of easements, so that the services can be placed in their proper locations.

4. In built up areas legislation should be enacted to enable the Utilities to use privately owned building setback areas adjacent to the road allowances. This also can be done by right of easements, allowing fair compensation to the owner and making good anything affected by the operation.

5. Legislation is needed urgently to establish uniform building setbacks on existing and new streets for buildings above and below ground level. Building

setbacks have a direct bearing on the safety of existing services and accommodation of future installations. We believe this is a very important subject and deserves careful study by all concerned before final decisions are made.

6. Use of public road allowances by fronting property owners should be limited to grass and small shrubbery only, so that the services can be economically installed and maintained.

7. In case of emergencies such as floods, tornadoes, earthquakes and war, the Utilities should be given the right to enter upon and use private areas if necessary to restore service. Such a legislation may already be existing - I am not sure.

8. In the larger industrial centres Utilities are suffering from damage and service interruptions by careless construction companies. Probably some legislation could be devised to minimize such accidents.

I realize that some of these requests I have made will affect the sanctity of private ownership and rights, but they are justified by the fact that one cannot live in a large community without surrendering some of his or her private rights. We believe it is of utmost importance to take all of these measures in order to safe-guard the services of the community and to reduce their tremendous annual cost.

Yours very truly,

JDG/CH.

J. D. George,
Chairman, M.T.P.U.C.C.

COPY

August 9, 1960

M.T.P.U.C.C.

Mr. A. L. S. Nash,
Director of Community Planning Branch,
Department of Municipal Affairs,
454 University Avenue,
Toronto 2, Ontario.

Dear Mr. Nash:

I am now instructed by the Metropolitan Toronto Public Utilities Co-Ordinating Committee (M.T.P.U.C.C.), to confirm the requests which Mr. F. S. McPherson and myself made to you during our meeting in your office of May 4th, in connection with the future accommodation of utilities on public road allowances within Metropolitan Toronto area. The following points were discussed : -

(a) Utilities on future widened road allowances.

(b) Width of streets in new subdivisions.

(c) Use of setback areas where existing 66-foot widths of streets are not sufficient.

(d) Provision for Hydro Transformer Vaults used to service commercial, industrial, and multi-family residential buildings.

I enclose herewith for your information, 2 copies of the M.T.P.U.C.C. Standard Locations Plan for Utilities No.S-1,

revised October 28th, 1959, and 2 copies of the Metropolitan Toronto Planning Board map of Metropolitan area, showing the proposed future widths of right-of-way of major roads.

As you know, our Standard Locations Plan No.S-1 is based on considerable study and thought by the City of Toronto P.U.C.C. and our own organization. There is no difficulty in accommodating all of the services, present and future, in the widened road allowances, where the authorized widenings are already acquired. The trouble creeps in where the widenings are not yet acquired. There are 2 main reasons why these widenings cannot be acquired immediately : -

(1) Lack of sufficient funds.

(2) A considerable portion of these strips are acquired by dedication when the adjacent land is developed.

We feel that it is in the interests of the public, as a whole, to allow these services to go through the areas designated for widenings. This could be done under 2 conditions : -

(1) Existing improvements on these lands, which may be disturbed by construction operations, are made good.

(2) The owner should be paid a nominal amount at a predetermined rate for easement rights by the utilities.

You will agree, that it does not seem reasonable to place all of the services in the 66-foot road allowance to-day, when tomorrow the road may be widened to 120 feet. Whatever the cost of installation or maintenance of utilities, the public must pay eventually. We all know that these costs are much higher if the services are not placed in their standard locations. Furthermore, danger of failures is much higher where minimum clearances between the lines are not maintained, or where shallow services (Hydro, Bell Telephone and Gas Lines) are placed under the travelled-portion of the road allowance.

With respect to new subdivisions, as you advised during our meeting, we will consult with the planning boards in Metropolitan area to provide wider streets than 66 feet, where necessary, to accommodate the services.

The densely-developed parts of Metropolitan area present still another problem. Where the street is not designated for widening, it is often impossible to accommodate all the services in the existing narrow road allowance. In such cases, we request that you consider the use of setback areas by the shallow services (Hydro, Bell Telephone and Gas Lines), as shown on the Standard Locations Plan. Here again, utilities will make good disturbed areas, and would pay a small amount for easement rights for future maintenance.

With respect to Transformer Vaults, in the past, most of them have been located within the road allowances. This affects the standard locations of other services and neutralizes large areas of the road allowance. We recommend that legislation be enacted to empower the various building commissioners to include, among other requirements, provision for Transformer Vaults in the case of large commercial, industrial and multi-family residential buildings.

Summarizing, the purpose of this letter is to get more room for the utilities, above and below ground, so that they can be placed in their proper locations with minimum clearances maintained. I am convinced, that co-ordination of the utilities and definition of their locations is one of the most important aspects of planning in any urban community. It should be started early in the growth of a community and continued as long as the community is in existence. In case of earthquakes or war, the very existence of a large community is dependent upon the rapidity with which damaged services can be restored.

On behalf of the Committee, I wish to extend a very cordial invitation to you and Mr. Don Taylor, of your staff, to attend the next meeting of the M.T.P.U.C.C., as indicated on the attached copy of the Agenda. This will give the members a chance to discuss with you, more fully, the details of the subject matter of this letter.

Yours very truly,

JDG:lmg
Encls.

J. D. George,
Chairman, M.T.P.U.C.C.

COPY

March 14, 1961

Proposed Jarvis Street Widening

Mr. M. V. Jones,
Commissioner of Planning and
Secretary-Treasurer,
Municipality of Metropolitan Toronto,
Planning Board,
790 Bay Street,
Toronto, Ontario.

Dear Mr. Jones,

I passed a copy of your draft on "Proposed Improvement of Jarvis Street" to the Metropolitan Public Utilities Co-ordinating Committee for study and comments.

Attached hereto is a copy of the report of the M.T.P.U.C.C. Sub-committee on "Road Widening" for your perusal and consideration.

I would like to add that Jarvis Street Widening is a typical example of many other Streets in the built up areas of Metropolitan Toronto, such as City of Toronto, York Township etc.

This sub-committee was set up specially to deal with just this type of problem i.e., to provide more accommodation for future expansion of utilities where existing road allowances are too narrow. In this connection I also enclose copy of a letter that the M.T.P.U.C.C. forwarded to Mr. A. L. S. Nash, Director of Community Planning Branch, Department of Municipal Affairs, which is self-explanatory.

We are seeking provincial legislation to enable the Utilities to use future widths of road allowances and setbacks where necessary. It is of the utmost importance, not only to accommodate all the Utilities, but to maintain minimum clearances between them for safety and economy of construction and maintenance.

To give you a general idea of the preferred locations, and necessary minimum clearances required, I enclose a copy of our Standard Locations Plan which has been approved and adopted by all of the Utilities in the Metropolitan area.

From the point of view of Metropolitan Roads Department, it is very important to keep the Utilities, especially the shallow Utilities (Bell Telephone, Gas and Hydro Lines) away from the paved areas, to minimize cutting up of the pavement and interference with traffic.

I also enclose a set of M.T.P.U.C.C. drawings covering Jarvis Street, which show the existing Utilities both above and below ground.

As Chairman of the M.T.P.U.C.C., I strongly recommend that your proposed 10 foot setbacks, on each side of Jarvis Street, be left clear of major obstructions for use by the Utilities, as recommended in the enclosed report of our Sub-committee.

I would be very glad to furnish any further information you require.

Yours very truly,

J. D. George,
Chairman, M.T.P.U.C.C.

JDG/CH

Encls.

COPY

TOWNSHIP OF NORTH YORK
5000 Yonge Street, Willowdale, Ontario,
Engineering Department.

March 13, 1961.

Mr. J. D. George,
Chairman,
Metropolitan Toronto Public
Utilities Co-ordinating Committee,
Metropolitan Toronto Roads Department,
75 Eglinton Avenue East,
Toronto, Ontario.

Dear Sir:

Re: Consideration of Jarvis Street by the Sub-Committee on Road Widenings

On Wednesday, March 8th, 1961, I convened a meeting of the Sub-Committee which was created to study the "Accommodation of Utilities on Future Widened Existing Road Allowances".

The following representatives of the M.T.P.U.C.C. were present:

J.D. George	- Metropolitan Toronto Roads Department
F.S.McPherson	- Secretary
W. Walburn	- Consumers' Gas Company
J. C. Paul	- Bell Telephone Co. of Canada
H.J.Chambers	- Toronto Hydro-Electric System

The Sub-Committee discussed the proposed Building Set Back for Jarvis Street which was submitted recently to the Metropolitan Toronto Roads, Traffic and Planning Technical Committee by the Metropolitan Toronto Planning Department.

The future of Jarvis Street, having regard to building development, its use as a traffic artery and the probable requirements for utilities, was fully discussed at the meeting. It was the opinion of those present that the proposed set back would be required as space for the future installation of shallow utilities as the cost of both installation and maintenance of such utilities within roadway limits has become prohibitive. Having in mind the existing problem to utilities caused by trees, it was the Sub-Committee's opinion, also that trees should not be permitted in the setback space. It is felt, also, that the overall appearance of the street

SPECIFICATION OF STANDARD LOCATIONS FOR PUBLIC UTILITIES
adopted by Metropolitan Toronto
PUBLIC UTILITIES CO-ORDINATING COMMITTEE
April 29, 1955.
(Revised June 19, 1961)

1. The following sides of streets shall be observed for utility installations:-

(a)	Pole lines	- both sides of street
(b)	Conduits - Bell Tel.	- both sides of street
(c)	Conduits - Hydro	- both sides of street
(d)	Water Mains	- North & East sides (South & West sides *if* necessary)
(e)	Hydrants	- both sides of street
(f)	Gas Mains	- South & West sides (North & East sides *if* necessary)
(g)	Sanitary Sewers	- North & East sides
(h)	Storm Sewers	- South & West sides
(i)	Sidewalks	- both sides
(j)	Trees	- both sides
(k)	Trunk facilities	- both sides

(Note: Trunk facilities are supply installations for an area and not service facilities for the street in question. In general, individual services will not be taken from them.)

2. The following locations shall be observed for utility installations:-

(a)	Pole Lines	- 10' from street line
(b)	Conduits - Bell Tel.	- 11'6" from street line
(c)	Conduits - Hydro	- 8'6" from street line
(d)	Water Mains	- 16' from street line
(e)	Hydrants	- 10' from street line
(f)	Gas Mains	- 3' from street line
(g)	Sanitary Sewers	- 5' from centre line of street
(h)	Storm Sewers	- 5' from centre line of street
(i)	Sidewalks	- 3' from street line
(j)	Trees	- along street line
(k)	Trunk facilities	- in best locations possible as approved by P.U.C.C.

3. Minimum cover for utilities measured below the finished centre line grade of the street:-

(a)	Bell Telephone underground cable	- 2 feet
(b)	Hydro underground cables	- 2 feet
(c)	Gas mains	- 3 feet
(d)	Water mains	- 5' 6" for 6" and 8" water mains - 5' for water mains 10" and larger
(e)	Sanitary sewers	- 9 feet
(f)	Storm sewers	- 6 feet

4. Utilities crossing one another shall be separated by at least 6 inches of granular backfill.

5. Underground lighting conduits, where necessary, shall be located approximately on pole lines.

6. The following locations shall be observed on public lanes:

   Bell Telephone, Hydro or gas structures - 2' from property line.

   Other Utilities - The centre portion of the lane but not closer than 6' to the property line.

7. All residential streets in new subdivisions shall, before any utility installations are made, be graded to within one foot of the finished grade.

8. Trees shall not be planted within 50' of the corners of street lines at intersections.

9. No private areaways, private hydro vault chambers, or storage tanks shall be allowed on street allowances.

10. No private piping systems servicing private buildings for snow removal purposes shall be allowed on street allowances.

11. The above standards may, for an individual installation be altered, with the consent of the P.U.C.C., where existing conditions make it impossible to conform.

JDG:

METROPOLITAN TORONTO PUBLIC UTILITIES CO-ORDINATING COMMITTEE

Paper delivered before the Select Committee on

The Municipal Act and Related Acts

July 4, 1962

Gentlemen : -

My colleagues and I are very happy, and feel honoured, to appear before you this morning, as delegates from the Metropolitan Toronto Public Utilities Co-ordinating Committee (M.T.P.U.C.C.). We are here, as you know, to discuss with you the M.T.P.U.C.C. brief and information which was sent to this Committee, in connection with the accommodation of utilities in public road allowances.

The growing difficulty with which the utilities are faced stems from the fact that the traditional 66 foot road allowance is not sufficient to accommodate the traffic and all of the other services a modern community demands. To illustrate what I mean, look at this plan which shows the underground utilities existing at the intersection of Bay Street and Richmond Street, in the City of Toronto. You can see the terrible congestion. Actually the congestion is worse than this plan shows, because while it shows all the trunk and feeder lines, it does not show any of the service connections to the buildings. It is immediately evident that any new installations or maintenance of the existing utilities will be very difficult, slow and expensive.

What is the reason for such a condition ? The answer is simple - the 66 foot wide road allowance. When these streets were laid out, one chain wide, long, long ago, they were certainly not meant to serve the function of to-day's demands, and yet, year after year passes with nothing being done to correct this situation. It doesn't seem reasonable to me that we should be looking at a defect which will eventually cause deterioration in the very heart of our great cities and do

nothing about it. Even to-day in most communities the 66 foot road allowance, which is the minimum required by law, is still used without a second thought ! This certainly is not in line with the principles of modern planning. The 66 foot road allowance is only good for a purely residential street, and that's all. All other streets, commercial, industrial, and arterial, should be wider.

This brings me to the real purpose of this hearing. What can your Committee do to alleviate the situation ? The subject of proper accommodation of utilities in public road allowances can be divided into two parts.

1. Existing streets in built-up areas.
2. New streets in new areas.

Existing streets in built-up areas, can be subdivided as follows : -

1(A). Streets where buildings have no setback, that is they are built right on the street line, e.g., as in the case of Bay and Richmond Streets, as you saw on the plan.

With respect to this point I would like your permission to read from the Paper which I delivered to the Board of Control on March 14,1962.

"M.T.P.U.C.C. is recommending to you that the City of Toronto plan now for better accommodation of Utilities and Services in the future. It is regrettable that such action was not taken 25 or 30 years ago when it became apparent that the old 66 foot road allowances were not sufficient for future needs, that the Streets in the down-town area were becoming more and more congested. However, the old saying applies here, it is better late than not at all.

Now you may ask me what does this mean, how can you change an area like the down-town section that is already built up, especially with large

expensive buildings. The answer is, widen the streets. Yes, widen the road allowances of all main streets and those that will become main streets. Take a City map and consider each street separately. Do it on a careful co-ordinated basis, assign widths to all streets as if you were laying out a new City for to-morrow, then having done this, enact long term building setback by-laws.

In commercial areas this means that every time an existing building were demolished the new structure would be set back according to the by-law. The necessary setbacks would amount to 10 feet or 17 feet along each side to widen road allowances from the present 66 feet to 86 or 100 feet.

In other areas of non-commercial future, the setbacks should be those required for the widening of the road allowances plus the amount deemed necessary to keep the buildings away from the future road allowances. It may take 50 years or even more to widen a street, but this is a short time period in the history of a community like Metropolitan Toronto.

What about the cost ? The cost of widening the road allowances would be very little. Yes, I would even be bold enough to suggest to you that the setback strips mentioned above can, by proper legislation, be acquired at no cost at all to the tax-payer, simply by dedication for the legal sum of $1.00.

This doesn't sound fair to the property owner, does it ? But it is fair, because the widening is particularly for his benefit. It will, eventually, enhance the value of his property. On the other hand, why should he expect to replace an existing low building with a sky-scraper without bearing

some of the costs of the services that must be provided for the larger building.

Such procedure is used to-day in the case of new sub-divisions. The Subdivider dedicates 10, 17 and up to 27 foot strips for the legal sum of $1.00 before his subdivision plans are approved. I submit, gentlemen, that basically there is no difference between a subdivision and a sky-scraper - both are large concentrated developments making heavy demands on the Utilities and Services. The only difference is that one is developed horizontally the other vertically. Why then should one be expected to dedicate lands for road widening purposes and not the other ? "

1(B) Streets where buildings are set back a distance from the road allowance. Since part of the set backs will eventually be expropriated and acquired for permanent road widenings, the utilities should be given permission to use the areas of these strips rather than be forced to go into the congested area of the pavement. Utilities Companies will make good anything that is affected by the construction and some compensation can be paid to the owner for the inconvenience.

2. New Streets in new areas. The widths of road allowances in new areas should be planned with greater care than has been used in the past. As I mentioned before, the 66 foot road allowance minimum required by law, is only good for purely residential streets. Minimums for other types of streets should be definitely more. Based on our experience in Metropolitan Toronto, my own personal recommendation would be as follows : -

Residential Streets	66 ft.
Industrial Streets	100 ft.
Commercial Streets	100 ft.
Arterial Streets	120 ft.

Arterial streets should be planned straight in alignment and spaced not less than ½ mile and not more than ¾ mile apart, east/west and north/south. The following benefits would result : -

1. Utilities could be installed with proper minimum clearance, and generally in their ideal locations as shown on the Plan S1, which we have submitted to you, and copies of which I distributed at the beginning of this meeting.
2. Interruption of traffic would be considerably reduced, yes, even practically eliminated. I hardly need to stress this point, you have all had experience with the annoyance of detouring stretches of roads and going around barricades, mostly due to repairs being made to utilities.
3. It would eliminate the continuous cutting up and patching of brand new pavements.

All in all, such widths of road allowances would permit all the functions of the streets to be performed efficiently and with great savings eventually in costs.

The following will summarize our recommendations to your Committee : -

1. Enact legislation to enable the industrial communities - Metropolitan Toronto in particular - to widen the existing streets to widths compatible with their present and future functions.

2. Enact legislation to make it possible for the utilities to use building setback areas which eventually will become part of the road allowance.
3. Enact legislation to establish minimum widths of road allowances for the different classes of streets in planning new areas.

Now you may ask me how are we going to achieve all this. Here are our suggestions : -

1. The Province should set up immediately a technical group to study the minimum widths of road allowances for different classes of streets such as residential, commercial, industrial and arterial, and also minimum setbacks in each case.
2. Study the legal aspects involved and discuss with representatives of the different communities.
3. When the minimum widths are established and are written into the Municipal Act, there should be enabling legislation to allow the Municipal Governments to put them into effect, probably on a long term basis along the lines indicated in my brief to the Board of Control of the City of Toronto. There, as you will remember, I indicated that this could be done at no expense to the community.
4. Federal and Provincial financial help should be made available to all the cities and towns, that have a future growth potential, for this purpose.

The reason I bring in Federal Government is, that no community can produce goods and services efficiently if it has an obsolete system of streets. In order to compete in the world markets we have to produce efficiently and at lower costs. There is no use expecting the industries to modernize their internal operations and machinery if they

are to be hampered by poor connections and access into their establishments. We all know that when industrial development takes place in an area, the efficiency of movement of people, goods and service becomes very important and can be very difficult unless properly solved. Therefore, I say that in order for Canada to compete in the future with other countries, it must modernize its industrial centres in every respect and this is particularly true with respect to the general layout of its production centres, which to me is most important.

In summing up I might say that in helping M.T.P.U.C.C. to solve its problems, which is the express purpose of our being here this morning, you will achieve a more far reaching and important result, that of eventually modernizing the layout of many communities in this Province and I dare say in the whole of Canada.

JDG/CH

J.D.George,
Chairman, M.T.P.U.C.C.

J. D. GEORGE, P.ENG.
CHAIRMAN
HU. 1-6171

COL. F. S. McPHERSON
SECRETARY
AV. 5-1698

45

METROPOLITAN TORONTO
PUBLIC UTILITIES CO-ORDINATING COMMITTEE

75 EGLINTON AVENUE EAST
TORONTO 12

COPY

August 1, 1961.

F. G. Gardiner Esq., Q.C., Chairman
and Members of Metropolitan Council,
c/o W. W. Gardhouse Esq.,
Clerk,
67 Adelaide Street East,
Toronto, Ontario.

Ladies and Gentlemen,

The Metropolitan Toronto Public Utilities Co-ordinating Committee (M.T.P.U.C.C.) has authorized me to write to all the Governing and Planning Bodies in Metropolitan Toronto Planning area, concerning the necessity of planning for proper accommodation of services. You are, no doubt, aware of the fact that as an area becomes more densely populated and heavily industrialized the need for services increases. Furthermore, the present and future tendency is for all utilities to be placed underground. This generally requires wider (than 66 foot) road allowances for certain streets in an area, which is the point I want to bring to your attention. The M.T.P.U.C.C. is seeking your co-operation to plan future widths of streets so that they will meet the requirements of the utilities.

It always has been an accepted fact that a public road allowance, in addition to providing for vehicular and pedestrian traffic, must also accommodate all the other services. If adequate provision is to be made for all the services, the generally accepted idea of a 66 foot road allowance must, of necessity, give way to a wider and better concept - that of planning the road allowances to perform their duty with efficiency and economy. Traffic, both vehicular and pedestrian, is only one of the many services that must be accommodated in the road allowance. Other services are water; sanitary sewers; storm sewers; electrical lines; lighting; T.T.C. ; trees; gas; telephone lines and trunk facilities for most of the above mentioned services. It is apparent that in order to properly locate and maintain all these services within a limited road allowance, some planning and considerable co-operation are necessary.

In the operation of the road allowances, we request the Governing Bodies and the Public Departments involved to discourage private use of the road allowances by the fronting property owners. Unpaved portions of the road allowances should be restricted to grass only. Under no circumstances should fences, retaining walls, steps, underground storage tanks, sidewalk snow removal systems, trees, tall growing shrubs, be located in this area. If trees are allowed on the road allowance they should conform to the Standard Locations Plan S-1 enclosed herewith. This will allow proper and economical installation and maintenance of Utilities.

The M.T.P.U.C.C. was organized a few years ago to do this necessary co-ordination of Utilities. It is made up of representatives of all of the organizations listed in the margin of this letter-head. It has no legal status such as different Metro Departments have, but it is approved and financially supported by the Metropolitan Toronto Council and by the area authorities. At present it only covers Metropolitan Toronto area, but soon it may be necessary to invite Townships adjacent to the Metropolitan area to become Members so that co-ordination of services within the whole Metropolitan Planning Area may be achieved.

Actually M.T.P.U.C.C. is a descendant of the City of Toronto P.U.C.C. which was started by a few forward looking officials in 1932. At that time these officials saw that accommodation of underground services was gradually becoming a serious problem. That problem no doubt has increased tremendously and now it covers not only the City of Toronto area but all of the Metropolitan Toronto Planning Area.

Coming back to the purpose of this letter, we realize that in order for M.T.P.U.C.C. to achieve its aims it must have the co-operation of the different planning and governing bodies. In the old areas land use studies and re-zoning should consider necessary services that must be accommodated. In the new areas subdivisions should be planned with the Utilities in mind. Planned Utilities with proper minimum clearances can save a community, such as this, millions of dollars each year by reducing the tremendous costs of construction and maintenance.

With these views in mind the M.T.P.U.C.C. recommends as follows : -

(1) In re-planning or re-development of old areas, and widening of existing streets, M.T.P.U.C.C. be consulted to advise the Planning Bodies of the needs of the Utilities.

(2) In planning of new areas, such as new subdivisions, that the needs of the Utilities be considered as part of the planning and where different situations are encountered, or in special cases, if deemed necessary, M.T.P.U.C.C. be consulted to advise the planners of the future needs of the Utilities.

(3) In consideration of future by-laws, those affecting the utilities should be referred to M.T.P.U.C.C. before they are finalized.

(4) That M.T.P.U.C.C. meet with the heads of the Planning Bodies from time to time to discuss matters of mutual interest.

In order to further familiarise you with the existence, aims, and objects of M.T.P.U.C.C., I enclose the following : -

(1) M.T.P.U.C.C. Standard Locations Plan revised February 23, 1961, and Specifications of Standard Locations for Public Utilities in connection with this plan.

These are the result of considerable studies made over a long period of time by the Committee and particularly by its Sub-Committee on "Ideal Locations for Utilities".

(2) Copy of a Utilities Plan covering a small area of Metropolitan Toronto. This is typical of plans produced by M.T.P.U.C.C. (present rate approximately 200 plans per year). The ultimate aim is to cover all of the Metropolitan area by such plans.

(3) Copy of a letter written to Mr. A.L.S. Nash, Director of Community Planning Branch, Department of Municipal Affairs, which is self-explanatory.

(4) Copy of a letter recently written to Mr.M.V.Jones, Metropolitan Toronto Commissioner of Planning and Secretary-Treasurer, in connection with the proposed improvement of Jarvis Street, as a typical case of future street widenings.

(5) Copy of a letter dated July 20, 1961 written to Hollis Beckett Esq., Q.C., M.P.P., Chairman of the Select Committee on The Municipal Act and Related Acts.

Should you require any extra copies of plans or the attached information we will be happy to send them to you.

A reply at your earliest convenience will be appreciated.

Yours very truly,

J. D. George,
Chairman, M.T.P.U.C.C.

JDG/CH
Encls.

SPECIFICATION OF STANDARD LOCATIONS FOR PUBLIC UTILITIES
adopted by Metropolitan Toronto
PUBLIC UTILITIES CO-ORDINATING COMMITTEE
April 29, 1955.
(Revised June 19, 1961)

1. The following sides of streets shall be observed for utility installations:-

(a)	Pole lines	- both sides of street
(b)	Conduits - Bell Tel.	- both sides of street
(c)	Conduits - Hydro	- both sides of street
(d)	Water Mains	- North & East sides (South & West sides *if* necessary)
(e)	Hydrants	- both sides of street
(f)	Gas Mains	- South & West sides (North & East sides *if* necessary)
(g)	Sanitary Sewers	- North & East sides
(h)	Storm Sewers	- South & West sides
(i)	Sidewalks	- both sides
(j)	Trees	- both sides
(k)	Trunk facilities	- both sides

(Note: Trunk facilities are supply installations for an area and not service facilities for the street in question. In general, individual services will not be taken from them.)

2. The following locations shall be observed for utility installations:-

(a)	Pole Lines	- 10' from street line
(b)	Conduits - Bell Tel.	- 11'6" from street line
(c)	Conduits - Hydro	- 8'6" from street line
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(i)	Sidewalks	- 3' from street line
(j)	Trees	- along street line
(k)	Trunk facilities	- in best locations possible as approved by P.U.C.C.

3. Minimum cover for utilities measured below the finished centre line grade of the street:-

(a)	Bell Telephone underground cable	- 2 feet
(b)	Hydro underground cables	- 2 feet
(c)	Gas mains	- 3 feet
(d)	Water mains	- 5' 6" for 6" and 8" water mains - 5' for water mains 10" and larger
(e)	Sanitary sewers	- 9 feet
(f)	Storm sewers	- 6 feet

4. Utilities crossing one another shall be separated by at least 6 inches of granular backfill.

5. Underground lighting conduits, where necessary, shall be located approximately on pole lines.

6. The following locations shall be observed on public lanes:

   Bell Telephone, Hydro or gas structures - 2' from property line.

   Other Utilities - The centre portion of the lane but not closer than 6' to the property line.

7. All residential streets in new subdivisions shall, before any utility installations are made, be graded to within one foot of the finished grade.

8. Trees shall not be planted within 50' of the corners of street lines at intersections.

9. No private areaways, private hydro vault chambers, or storage tanks shall be allowed on street allowances.

10. No private piping systems servicing private buildings, for snow removal purposes shall be allowed on street allowances.

11. The above standards may, for an individual installation be altered, with the consent of the P.U.C.C., where existing conditions make it impossible to conform.

JDG:

COPY

August 9, 1960

M.T.P.U.C.C.

Mr. A. L. S. Nash,
Director of Community Planning Branch,
Department of Municipal Affairs,
454 University Avenue,
Toronto 2, Ontario.

Dear Mr. Nash:

I am now instructed by the Metropolitan Toronto Public Utilities Co-Ordinating Committee (M.T.P.U.C.C.), to confirm the requests which Mr. F. S. McPherson and myself made to you during our meeting in your office of May 4th, in connection with the future accommodation of utilities on public road allowances within Metropolitan Toronto area. The following points were discussed : -

(a) Utilities on future widened road allowances.

(b) Width of streets in new subdivisions.

(c) Use of setback areas where existing 66-foot widths of streets are not sufficient.

(d) Provision for Hydro Transformer Vaults used to service commercial, industrial, and multi-family residential buildings.

I enclose herewith for your information, 2 copies of the M.T.P.U.C.C. Standard Locations Plan for Utilities No.S-1,

revised October 28th, 1959, and 2 copies of the Metropolitan Toronto Planning Board map of Metropolitan area, showing the proposed future widths of right-of-way of major roads.

As you know, our Standard Locations Plan No.S-1 is based on considerable study and thought by the City of Toronto P.U.C.C. and our own organization. There is no difficulty in accommodating all of the services, present and future, in the widened road allowances, where the authorized widenings are already acquired. The trouble creeps in where the widenings are not yet acquired. There are 2 main reasons why these widenings cannot be acquired immediately : -

(1) Lack of sufficient funds.

(2) A considerable portion of these strips are acquired by dedication when the adjacent land is developed.

We feel that it is in the interests of the public, as a whole, to allow these services to go through the areas designated for widenings. This could be done under 2 conditions : -

(1) Existing improvements on these lands, which may be disturbed by construction operations, are made good.

(2) The owner should be paid a nominal amount at a predetermined rate for easement rights by the utilities.

You will agree, that it does not seem reasonable to place all of the services in the 66-foot road allowance to-day, when tomorrow the road may be widened to 120 feet. Whatever the cost of installation or maintenance of utilities, the public must pay eventually. We all know that these costs are much higher if the services are not placed in their standard locations. Furthermore, danger of failures is much higher where minimum clearances between the lines are not maintained, or where shallow services (Hydro, Bell Telephone and Gas Lines) are placed under the travelled-portion of the road allowance.

With respect to new subdivisions, as you advised during our meeting, we will consult with the planning boards in Metropolitan area to provide wider streets than 66 feet, where necessary, to accommodate the services.

The densely-developed parts of Metropolitan area present still another problem. Where the street is not designated for widening, it is often impossible to accommodate all the services in the existing narrow road allowance. In such cases, we request that you consider the use of setback areas by the shallow services (Hydro, Bell Telephone and Gas Lines), as shown on the Standard Locations Plan. Here again, utilities will make good disturbed areas, and would pay a small amount for easement rights for future maintenance.

With respect to Transformer Vaults, in the past, most of them have been located within the road allowances. This affects the standard locations of other services and neutralizes large areas of the road allowance. We recommend that legislation be enacted to empower the various building commissioners to include, among other requirements, provision for Transformer Vaults in the case of large commercial, industrial and multi-family residential buildings.

Summarizing, the purpose of this letter is to get more room for the utilities, above and below ground, so that they can be placed in their proper locations with minimum clearances maintained. I am convinced, that co-ordination of the utilities and definition of their locations is one of the most important aspects of planning in any urban community. It should be started early in the growth of a community and continued as long as the community is in existence. In case of earthquakes or war, the very existence of a large community is dependent upon the rapidity with which damaged services can be restored.

On behalf of the Committee, I wish to extend a very cordial invitation to you and Mr. Don Taylor, of your staff, to attend the next meeting of the M.T.P.U.C.C., as indicated on the attached copy of the Agenda. This will give the members a chance to discuss with you, more fully, the details of the subject matter of this letter.

Yours very truly,

JDG:lmg
Encls.

J. D. George,
Chairman, M.T.P.U.C.C.

COPY

March 14, 1961

Proposed Jarvis Street Widening

Mr. M. V. Jones,
Commissioner of Planning and
Secretary-Treasurer,
Municipality of Metropolitan Toronto,
Planning Board,
790 Bay Street,
Toronto, Ontario.

Dear Mr. Jones,

I passed a copy of your draft on "Proposed Improvement of Jarvis Street" to the Metropolitan Public Utilities Co-ordinating Committee for study and comments.

Attached hereto is a copy of the report of the M.T.P.U.C.C. Sub-committee on "Road Widening" for your perusal and consideration.

I would like to add that Jarvis Street Widening is a typical example of many other Streets in the built up areas of Metropolitan Toronto, such as City of Toronto, York Township etc.

This sub-committee was set up specially to deal with just this type of problem i.e., to provide more accommodation for future expansion of utilities where existing road allowances are too narrow. In this connection I also enclose copy of a letter that the M.T.P.U.C.C. forwarded to Mr. A. L. S. Nash, Director of Community Planning Branch, Department of Municipal Affairs, which is self-explanatory.

We are seeking provincial legislation to enable the Utilities to use future widths of road allowances and setbacks where necessary. It is of the utmost importance, not only to accommodate all the Utilities, but to maintain minimum clearances between them for safety and economy of construction and maintenance.

To give you a general idea of the preferred locations, and necessary minimum clearances required, I enclose a copy of our Standard Locations Plan which has been approved and adopted by all of the Utilities in the Metropolitan area.

From the point of view of Metropolitan Roads Department, it is very important to keep the Utilities, especially the shallow Utilities (Bell Telephone, Gas and Hydro Lines) away from the paved areas, to minimize cutting up of the pavement and interference with traffic.

I also enclose a set of M.T.P.U.C.C. drawings covering Jarvis Street, which show the existing Utilities both above and below ground.

As Chairman of the M.T.P.U.C.C., I strongly recommend that your proposed 10 foot setbacks, on each side of Jarvis Street, be left clear of major obstructions for use by the Utilities, as recommended in the enclosed report of our Sub-committee.

I would be very glad to furnish any further information you require.

Yours very truly,

J. D. George,
Chairman, M.T.P.U.C.C.

JDG/CH

Encls.

COPY

TOWNSHIP OF NORTH YORK
5000 Yonge Street, Willowdale, Ontario,
Engineering Department.

March 13, 1961.

Mr. J. D. George,
Chairman,
Metropolitan Toronto Public
Utilities Co-ordinating Committee,
Metropolitan Toronto Roads Department,
75 Eglinton Avenue East,
Toronto, Ontario.

Dear Sir:

Re: Consideration of Jarvis Street by the Sub-Committee on Road Widenings

On Wednesday, March 8th, 1961, I convened a meeting of the Sub-Committee which was created to study the "Accommodation of Utilities on Future Widened Existing Road Allowances".

The following representatives of the M.T.P.U.C.C. were present:

J.D. George	- Metropolitan Toronto Roads Department
F.S.McPherson	- Secretary
W. Walburn	- Consumers' Gas Company
J. C. Paul	- Bell Telephone Co. of Canada
H.J.Chambers	- Toronto Hydro-Electric System

The Sub-Committee discussed the proposed Building Set Back for Jarvis Street which was submitted recently to the Metropolitan Toronto Roads, Traffic and Planning Technical Committee by the Metropolitan Toronto Planning Department.

The future of Jarvis Street, having regard to building development, its use as a traffic artery and the probable requirements for utilities, was fully discussed at the meeting. It was the opinion of those present that the proposed set back would be required as space for the future installation of shallow utilities as the cost of both installation and maintenance of such utilities within roadway limits has become prohibitive. Having in mind the existing problem to utilities caused by trees, it was the Sub-Committee's opinion, also that trees should not be permitted in the setback space. It is felt, also, that the overall appearance of the street

will be enhanced if the proposed arcade-type construction over the setback is not approved.

It was moved by Mr. Paul, seconded by Mr.Chambers and unanimously passed that the Sub-Committee recommend to the Metropolitan Toronto Public Utilities Co-ordinating Committee that there be a minimum building setback of ten feet on both sides of Jarvis Street, that the said setback be kept absolutely clear of structures and, further, that any planting on the road allowance and the setback be restricted to grass, flowers, shrubs and small ornamental trees.

As Chairman of the Sub-Committee I am pleased to submit the above resolution for consideration by the General Committee.

Yours very truly,

R.E.DAVEY, P.ENG.
DEPUTY TOWNSHIP ENGINEER.

RED/vp

COPY

July 20, 1961.

M.T.P.U.C.C.

Hollis Beckett Esq., Q.C., M.P.P.,
Chairman of the Select Committee on
The Municipal Act and Related Acts,
Room 377, Parliament Buildings,
Toronto 5, Ontario.

Dear Sir, Attention: Mrs. H.G.Rowan, Secretary.

On behalf of M.T.P.U.C.C. I thank you for your letter of July 17 indicating that the information we forwarded to you will be placed before your Select Committee.

My letter of July 13, and the attached information, covered practically all the matters that M.T.P.U.C.C. wishes to bring to your attention at this time, but for the convenience of the Select Committee, and to add one or two more points, I would like to summarize the whole subject matter.

1. The future road allowances should be designed to accommodate all services properly.

2. Existing road allowances should be widened as soon as possible for the same purpose.

3. Where it is not possible to acquire the widening strips immediately, legislation should be passed to allow the Utilities to use such strips in the meantime by right of easements, so that the services can be placed in their proper locations.

4. In built up areas legislation should be enacted to enable the Utilities to use privately owned building setback areas adjacent to the road allowances. This also can be done by right of easements, allowing fair compensation to the owner and making good anything affected by the operation.

5. Legislation is needed urgently to establish uniform building setbacks on existing and new streets for buildings above and below ground level. Building

setbacks have a direct bearing on the safety of existing services and accommodation of future installations. We believe this is a very important subject and deserves careful study by all concerned before final decisions are made.

6. Use of public road allowances by fronting property owners should be limited to grass and small shrubbery only, so that the services can be economically installed and maintained.

7. In case of emergencies such as floods, tornadoes, earthquakes and war, the Utilities should be given the right to enter upon and use private areas if necessary to restore service. Such a legislation may already be existing - I am not sure.

8. In the larger industrial centres Utilities are suffering from damage and service interruptions by careless construction companies. Probably some legislation could be devised to minimize such accidents.

I realize that some of these requests I have made will affect the sanctity of private ownership and rights, but they are justified by the fact that one cannot live in a large community without surrendering some of his or her private rights. We believe it is of utmost importance to take all of these measures in order to safe-guard the services of the community and to reduce their tremendous annual cost.

Yours very truly,

J. D. George,
Chairman, M.T.P.U.C.C.

JDG/CH.

METROPOLITAN TORONTO PUBLIC UTILITIES CO-ORDINATING COMMITTEE

Paper delivered before the City of Toronto Board of Control

March 14, 1962

Mr. Mayor and Gentlemen : -

Col. McPherson and I are here to-day on behalf of M.T.P.U.C.C. to obtain, if possible, your approval, and the approval of the City Council in principle, of the aims, objectives and recommendations of M.T.P.U.C.C. These were outlined to you in my two letters of July 12 and 26, 1961. I have no doubt you are all familiar with them, however, in order to refresh your memories I have a summary here which I will read to you : -

1. The future road allowances should be designed to accommodate all services properly. (Note: In this Paper we consider traffic, trees and pedestrian walks also as services, similar to water, sewers, etc.)
2. Existing road allowances should be widened as soon as possible for the same purpose.
3. Where it is not possible to acquire the widening strips immediately, legislation should be passed to allow the Utilities to use such strips in the meantime by right of easements, so that the services can be placed in their proper locations.
4. In built up areas legislation should be enacted to enable the Utilities to use privately owned building setback areas adjacent to the road allowances. This also can be done by right of easements, allowing fair compensation to the owner and making good anything affected by the operation.
5. Legislation is needed urgently to establish uniform building setbacks on existing and new streets for buildings above and below ground level. Building setbacks have a direct bearing on the safety of existing services and accommodation of future installations. We believe this is a very important

subject and deserves careful study by all concerned before final decisions are made.

6. Use of public road allowances by fronting property owners should be limited to grass and small shrubbery only, so that the services can be economically installed and maintained.
7. In case of emergencies such as floods, tornadoes, earthquakes and war, the Utilities should be given the right to enter upon and use private areas if necessary to restore services. Such a legislation may already be existing - I am not sure.
8. In the larger industrial centres Utilities are suffering from damage and service interruptions by careless construction companies. Probably some legislation could be devised to minimize such accidents.

All of these points apply to the City area more or less.

M.T.P.U.C.C. is recommending to you that the City of Toronto plan now for better accommodation of Utilities and Services in the future. It is regrettable that such action was not taken 25 or 30 years ago when it became apparent that the old 66 foot road allowances were not sufficient for future needs, that the Streets in the down-town area were becoming more and more congested. However, the old saying applies here, it is better late than not at all.

Look at this plan of Bay and Richmond Streets and note the congestion of the underground Utilities. This is a condition that exists to-day and I can assure you that it will be worse to-morrow.

Now you may ask me what does this mean, how can you change an area like the down-town section that is already built up, especially with large expensive buildings. The answer is, widen the streets. Yes, widen the road allowances of all main streets and those that will become main streets. Take a City map and consider each street separately. Do it on a careful co-ordinated basis, assign widths to all streets

as if you were laying out a new City for to-morrow, then having done this, enact long term building setback by-laws.

In commercial areas this means that every time an existing building were demolished the new structure would be set back according to the by-law. The necessary setbacks would amount to 10 feet or 17 feet along each side to widen road allowances from the present 66 feet to 86 or 100 feet.

In other areas of non-commercial future, the setbacks should be those required for the widening of the road allowances plus the amount deemed necessary to keep the buildings away from the future road allowances. It may take 50 years or even more to widen a street, but this is a short time period in the history of a community like Metropolitan Toronto.

What about the cost ? The cost of widening the road allowances would be very little. Yes, I would even be bold enough to suggest to you that the setback strips mentioned above can, by proper legislation, be acquired at no cost at all to the tax-payer, simply by dedication for the legal sum of $1.00.

This doesn't sound fair to the property owner, does it ? But it is fair, because the widening is particularly for his benefit. It will, eventually, enhance the value of his property. On the other hand, why should he expect to replace an existing low building with a sky-scraper without bearing some of the costs of the services that must be provided for the larger building.

Such proceedure is used to-day in the case of new sub-divisions. The Subdivider dedicates 10, 17 and up to 27 foot strips for the legal sum of $1.00 before his subdivision plans are approved. I submit, gentlemen, that basically there is no difference between a subdivision and a sky-scraper - both are large concentrated developments making heavy demands on the Utilities and Services. The

only difference is that one is developed horizontally the other vertically. Why then should one be expected to dedicate lands for road widening purposes and not the other ?

It is the purpose of M.T.P.U.C.C. to achieve a uniform co-ordinated planning along the lines indicated, all over the Metropolitan Area. The City is the most important part of this area, in fact it is the heart of Metropolitan Toronto.

I feel, gentlemen, that you will be truly failing in your duties to the Metropolitan Community, if you do not now take the necessary steps to modernize the City.

Some people will say you can't put any more land into streets because it reduces assessments and so on and so on, but I believe that is just loose talk. What is lost in horizontal development can easily be gained in vertical development. No assessment need be lost on account of widening of streets, as a matter of fact the effect in most cases can be the opposite by proper zoning.

Look at the tremendous amount of effort and expense that is put into making these old fashioned streets work.

The Planner says the property owner must have his right of access, he should be able to stop and park in front of his property. The Traffic Engineer says no, the streets are not for storage, but for passing of traffic. The Traffic man says you can't block the street, especially in rush hours and the Utility man says of course I must because I have to repair the pipe line.

Look at all the thought and trouble that goes into trying to decide on one-way street systems. Now I ask you what is at the bottom of all this struggle ? The answer is, narrow streets.

Suppose you were laying out a new City of Toronto. Would you make York, Bay, Yonge, Jarvis, King and Queen Streets 66 feet ? Of course not. Take the case of Avenue Road,

between Bloor Street and St. Clair Avenue. The pavement had to be widened to 6 lanes. It cost over 3 million dollars and ended up with 4 to 5 foot sidewalks and no bus bays. Why ? Because the existing road allowance was too narrow.

If you agree that such streets as those mentioned above should have been wider, then action should be taken to correct the defect, even if it takes 50 or 100 years.

Imagine two models, one is a model of Toronto as it will look 100 years from to-day, if no action is taken, and the other is a model of Toronto as it will look 100 years from to-day if proper action is taken.

Using your imagination, look at these models from up above. What do you see ? I hardly need to describe the picture in detail. What you will see in one model is an old fashioned terribly congested City and starting to show deterioration of properties and businesses, and in the other model, a modern bright prosperous City, where sky-scrapers can be built without any concern for lack of access and services, where people, traffic and services can move with the greatest of ease and economy, and where planning and far-sightedness are evident.

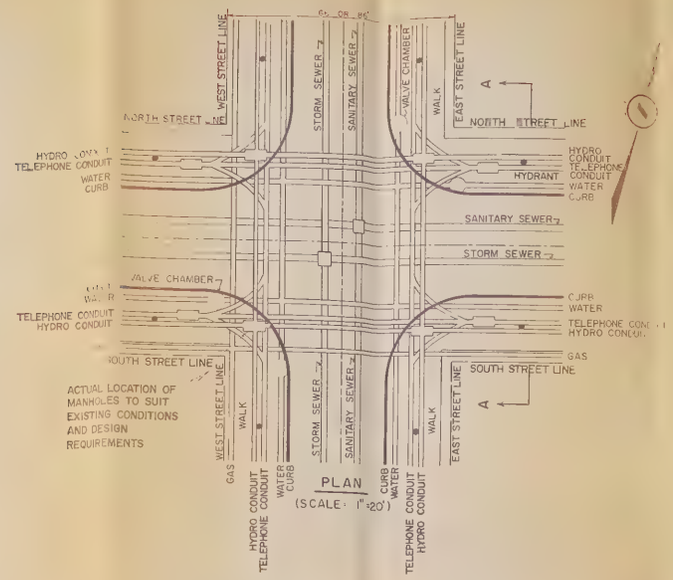
JDG/CH

J. D. George,
Chairman, M.T.P.U.C.C.

66' STREET

SECTION A-A

(SCALE: 1"=10')



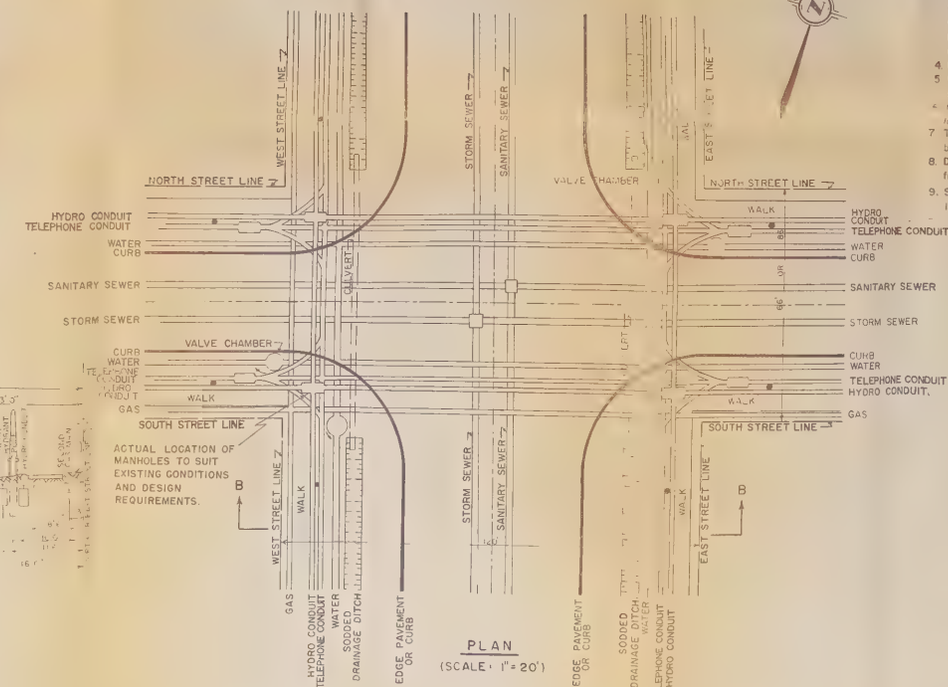
PLAN

(SCALE: 1"=20')

86' STREET

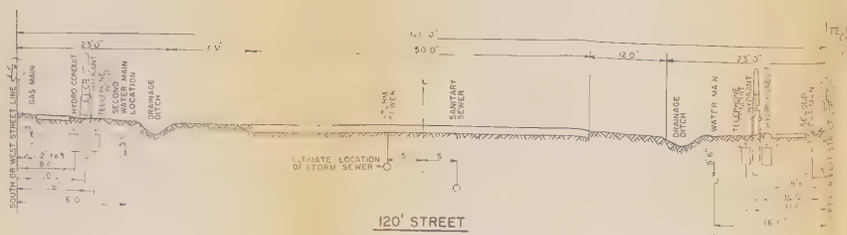
CROSS SECTION

(SCALE: 1"=10')



PLAN

(SCALE: 1"=20')



120' STREET

SECTION B-B

(SCALE: 1"=10')

LEGEND

Street Line
Hydro, Telegraph & Light Poles
Telephone Poles
Lighting Poles
T.T.C. Poles
Traffic Sign on Light Poles
Hydrants
Water Valves & Valve Chambers
Curbs
Street Car Tracks
Parking Meters
Trees
Sign Posts
Catch Basins
Sewer Manholes
Telephone Chambers

SUGGESTED COLOURING

Telephone Conduits and Manholes	BLUE
Electric Conduits and Manholes	YELLOW
Gas Mains and Manholes	BROWN
Water Mains and Manholes	GREEN
Sanitary Sewers and Manholes	DARK RED
Storm Sewers and Manholes	LIGHT RED
Telegraph Conduits and Manholes C.N.R.	ORANGE
" " " C.P.R.	VIOLET

NOTES:

1. Telephone and Hydro Conduits shall [illegible] at intersecting points depending [illegible]
2. The distance from centre line of [illegible] shown for different services, shall be [illegible] road allowance widths, not shown on this plan.
3. Water and Gas Mains shall be located as [illegible] Mains are required.)
   Water Mains: North and East sides of Street
   Gas Mains: South and West sides of Street
   If more than one main is required both sides of the street may be used as shown.
4. Layout of Sewers at intersections will depend [illegible] requirements
5. Utilities crossing each other shall be [illegible] minimum of six (6) inches of granular backfill.
6. Underground lighting conduits [illegible] located approximately [illegible]
7. Trunk locations [illegible] by P.U.C.C.
8. Depths of Cover, shown on this plan, shall be [illegible] from final ℄ grade of road.
9. Shut-off valves for water service [illegible] lines or 4' feet inside street lines depending [illegible] design requirements.

REV. NO	DATE	REVISION	BY	APPROVED
5	23/2/61	Hydro conduit on bot[illegible] Bell telephone condu[illegible]	J.P.D	J.H.M
4	28/10/59	Distance from stre[illegible] changed	R.G.A	J.D.G.
3	21/7/58	Legend for [illegible] added. Note [illegible] Legend for street line	I.C. & D.K	J.D.G
2	15/4/58	[illegible]	D.K	J.D.G
1	25/3/58	LEGEND — [illegible] STREET CAR TRACKS	W.E	J.D.G

MUNICIPALITY OF METROPOLITAN TORONTO
PUBLIC UTILITIES COORDINATING COMMITTEE

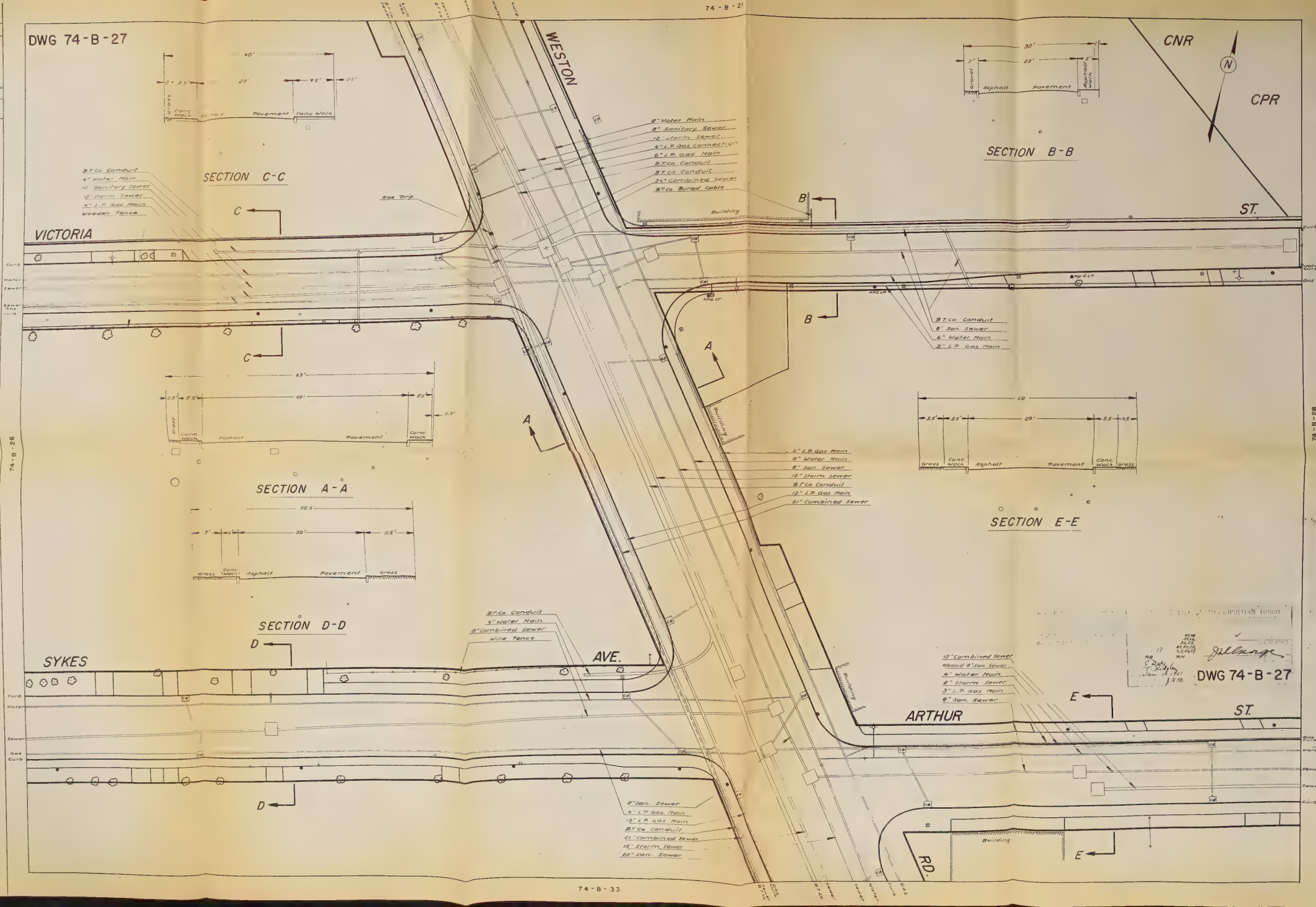
STANDARD LOCATIONS OF UTILITIES

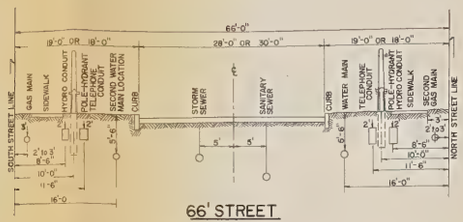
PREPARED BY MUNICIPALITY OF METROPOLITAN TORONTO

DRAWN: T.R. & C.S.C.
CHECKED: G.F. & D.K.
TRACED: W.E. & J.H.M.
SCALES: AS SHOWN

G.H. George
CHIEF DESIGN ENGR. DEPT. OF ROADS
[illegible]
CHAIRMAN MT. [illegible]

DWG. No S-1

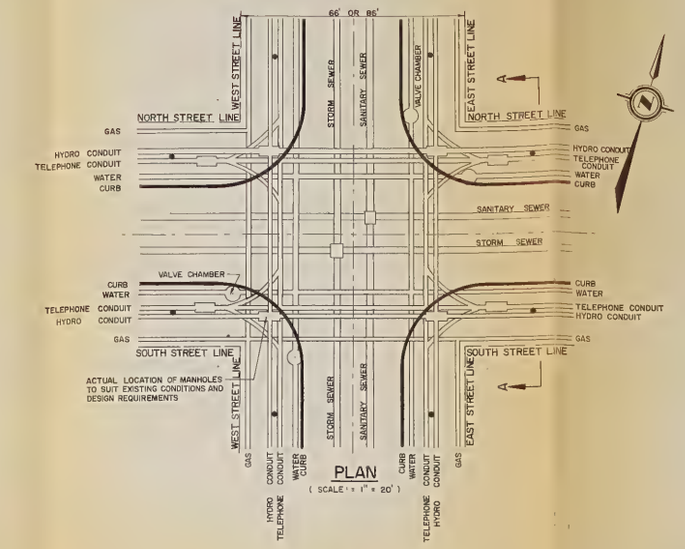

January 1961
SCALES
Plan
1 in. = 20 ft
Cross Section
1 in. = 10 ft
REVISIONS
Corrected February 1961
DWG 74-B-27
WESTON
VICTORIA
SYKES
AVE.
ARTHUR
ST.
RD.
CNR
CPR
SECTION A-A
SECTION B-B
SECTION C-C
SECTION D-D
SECTION E-E
Building
Gas Drip
B.T.Co Conduit
4" Water Main
10" Sanitary Sewer
10" Storm Sewer
4" L.P. Gas Main
Wooden Fence
8" Water Main
8" Sanitary Sewer
12" Storm Sewer
4" L.P. Gas Connection
6" L.P. Gas Main
B.T.Co Conduit
B.T.Co Conduit
24" Combined Sewer
B.T.Co Buried Cable
B.T.Co Conduit
8" San. Sewer
6" Water Main
2" L.P. Gas Main
6" L.P. Gas Main
8" Water Main
8" San. Sewer
12" Storm Sewer
B.T.Co Conduit
12" L.P. Gas Main
81" Combined Sewer
B.T.Co Conduit
4" Water Main
8" Combined Sewer
Wire Fence
8" San. Sewer
4" L.P. Gas Main
12" L.P. Gas Main
B.T.Co Conduit
81" Combined Sewer
15" Storm Sewer
10" San. Sewer
18" Combined Sewer
aband 8" San. Sewer
4" Water Main
8" Storm Sewer
3" L.P. Gas Main
8" San. Sewer
DWG 74-B-27
74-B-21
74-B-26
74-B-28
74-B-33



66' STREET

SECTION A-A

(SCALE: 1" = 10')



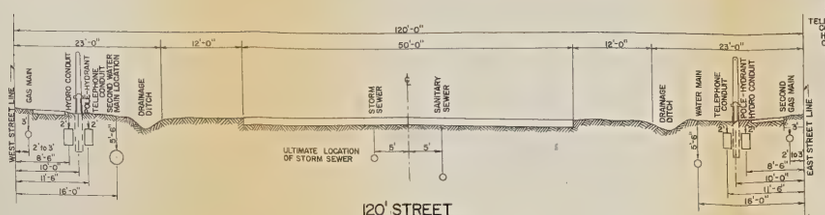
PLAN

(SCALE: 1" = 20')

86' STREET

CROSS SECTION

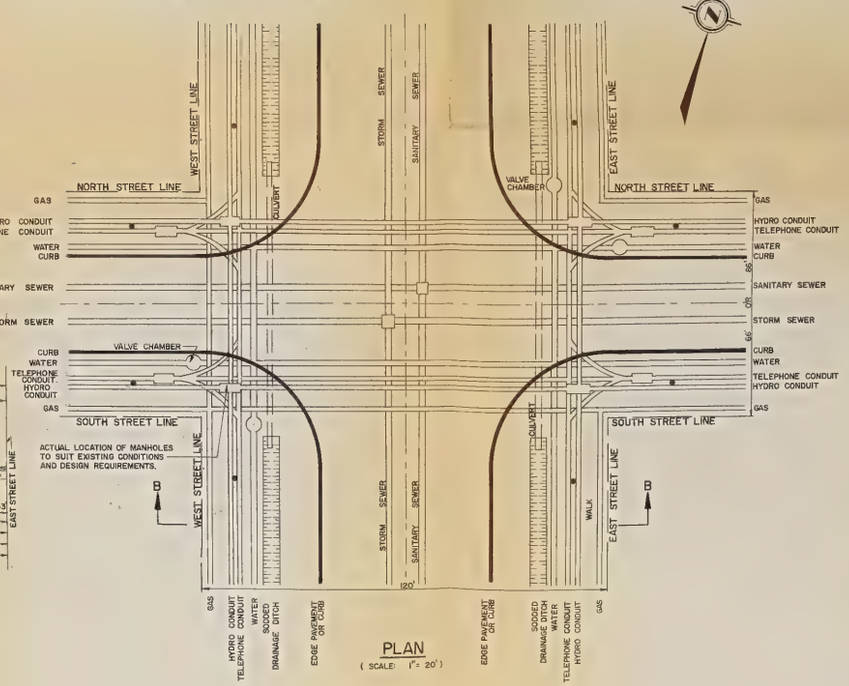
(SCALE: 1" = 10')



120' STREET

SECTION B-B

(SCALE: 1" = 10')



PLAN

(SCALE: 1" = 20')

LEGEND

Street Line
Hydro, Telegraph & Light Poles
Telephone Poles
Lighting Poles
T.T.C. Poles
Traffic Sign on Light Poles
Hydrants
Water Valves & Valve Chambers
Curbs
Street Car Tracks
Parking Meters
Trees
Sign Posts
Catch Basins
Sewer Manholes
Telephone Chambers

SUGGESTED COLOURING

Telephone Conduits and Manholes	BLUE
Electric Conduits and Manholes	YELLOW
Gas Mains and Manholes	BROWN
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Sanitary Sewers and Manholes	DARK RED
Storm Sewers and Manholes	LIGHT RED
Telegraph Conduits and Manholes C.N.R.	ORANGE
Telegraph Conduits and Manholes C.P.R.	VIOLET

NOTES:

1. Telephone and Hydro Conduits shall cross under or above each other at intersecting points depending upon the depth of existing conduit.
2. The distance from centre line of road or street line, shown for different services, shall be maintained for all road allowance widths, not shown on this plan.
3. Water and Gas Mains shall be located as follows (unless two Mains are required) Water Mains: North and East sides of Street. Gas Mains South and West sides of Street. If more than one main is required, both sides of the street may be used as shown
4. Layout of Sewers at intersections, will depend on design requirements
5. Utilities crossing each other shall be separated with a minimum of six (6) inches of granular backfill.
6. Underground Lighting Conduits where necessary, shall be located approximately on pole lines.
7. Trunk facilities shall be located where possible as approved by P.U.C.C.
8. Depths of cover, shown on this plan, shall be measured from final ℄ grade of road.
9. Shut-off valves for water service connections shall be located at street lines or 4 feet inside street lines depending on areas involved or design requirements.
10. In built up areas, where it is not possible to place a service in its ideal location, due to existing conditions, it shall be located where possible as approved by P.U.C.C.
11. Selected and approved trees may be planted on the road allowance.

REV. Nº	DATE	REVISION	BY	APPROVED
1	8/6/62	NOTE Nº 11 ADDED. TREES REMOVED FROM SECTIONS.	D.A.R.	J.H.M.
1	8/2/62	REDRAWN. GAS SHOWN ON BOTH SIDES IN PLAN VIEWS. NOTE NO. 10 ADDED. TITLE CHANGED FROM STANDARD TO IDEAL	D.A.R.	J.H.M

MUNICIPALITY OF METROPOLITAN TORONTO
PUBLIC UTILITIES CO-ORDINATING COMMITEE

IDEAL LOCATIONS FOR UTILITIES

PREPARED BY M.T.P.U.C.C.

DRAWN BY: D A REID
CHECKED BY: J.H. MARKLE
SCALES AS SHOWN
DATE: FEBRUARY 1962

CHAIRMAN M.T.P.U.C.C.

DWG. Nº S-1

Nº	DATE	REVISION	BY	APPROVED
1	8/6/62	NOTE Nº 11 ADDED. TREES REMOVED FROM SECTIONS.	D.A.R.	J.H.M.
1	8/2/62	REDRAWN: GAS SHOWN ON BOTH SIDES IN PLAN VIEWS. NOTE: NO. 10 ADDED TITLE CHANGED FROM 'STANDARD' TO 'IDEAL'	D.A.R.	J.H.M

MUNICIPALITY OF METROPOLITAN TORONTO

PUBLIC UTILITIES CO-ORDINATING COMMITEE

IDEAL LOCATIONS FOR UTILITIES

REPARED BY M.T.P.U.C.C.

RAWN BY: D.A.REID

HECKED BY: J.H. MARKLE

CALES: AS SHOWN

ATE: FEBRUARY 1962.

CHAIRMAN M.T.P.U.C.C.

DWG. Nº S-1

VILLAGE OF NEUSTADT

Neustadt, Ontario,
July 25th, 1961

Section 398 (1) of the Municipal Act provides that by-laws may be passed by the Councils of Counties, Cities, Seperated Towns and Towns in unorganized territory: for defining areas within which tanneries, salvage shops, salvage yards or second-hand goods shops, or industries of a noxious or unhealthy character may not be carried on.

Section 379 (1) 113 of the Municipal Act provides that by-laws may be passed by the Councils of local municipalities: for prohibiting or regulating and inspecting the use of any land or structures for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal.

The problem which faces this municipality is that in a residential section of the Village a salvage yard is in operation which stores and dismantles old farm machinery, old metal, other scrap material and salvage, along with used motor vehicles. To date the Village Council has been unable to prohibit the use of lands or define areas for such a business.

The purpose of this submission is therefore to request that consideration be given to either:

(a) include the Councils of Villages in Section 398 (1) thereby granting them the power to define areas within which certain trades may not be carried on, or

(b) include used farm machinery, old metal, other scrap material and salvage in Section 379 (1) 113 thereby granting the power to the Councils of local municipalities to prohibit the use of land or structures for storing or dismantling such articles.

Respectfully submitted by the Council of the Corporation of the Village of Neustadt.

CITY OF NORTH BAY
ONTARIO, CANADA

April 19th 1962.

TO: Members of the Legislative Assembly
of the Province of Ontario.

Dear Sir,

Enclosed herewith is a copy of City of North Bay Resolution No. 32 passed at the regular meeting of City Council held Monday, April 16th 1962.

We would ask for your favourable consideration and support of this resolution, please.

Yours very truly,

T. A. Frair
CITY MANAGER

Encl.
CEA:AF

Mr. Hollis E. Beckett, M.L.A.
Member for York East.

RE FINES RESULTING FROM PENALTY CLAUSES OF BY-LAWS OF LOCAL MUNICIPALITIES

WHEREAS it is essential to the good conduct and the efficient implementation of the terms and conditions of by-laws of local municipalities to provide for penalties where infractions of the terms and conditions of the by-laws occur and where charges are laid and brought before a Court of competent jurisdiction, and

WHEREAS the fine usually levied by the Magistrate or Judge of the Court before which the case is brought to trial and the named defendant is found guilty of the infraction of the by-law in question, at his discretion, is a very minimum fine, and

WHEREAS due to social and economic changes which have occurred during the life of most of our legislation, this minimum fine no longer becomes a penalty and it therefore becomes necessary week by week or month by month to repeat the charge so long as the infraction exists to the inconvenience and distraction of the Courts aside from the inconvenience caused to the officers of the municipality in question who find themselves charged with the responsibility of policing of such by-laws.

BE IT THEREFORE DEEMED EXPEDIENT AND HEREBY RECOMMENDED that the Government of the Province be petitioned to provide legislation whereby local municipalities may provide penalty clauses in all necessary by-laws with either:-

(a) a constant minimum and maximum penalty to be levied at the discretion of the Convicting Magistrate or Judge, or

(b) provide a minimum and maximum penalty on a graduated scale increasing with each subsequent conviction for the offence with which the defendant was charged.

THAT to recognize such need, and control such minimum and maximum fines from becoming ridiculous and unjust, all such by-laws passed by local municipalities require the approval of the Department of Municipal Affairs or of the Attorney General of the Province, as the Legislature, in its wisdom deems necessary.

THAT this resolution be forwarded to the Ontario Municipal Association, the Association of Ontario Mayors and Reeves, and the Federation of Northern Ontario Municipalities, seeking likewise their favourable consideration and support in making representation to the Legislature of the Province in order to have such recommendation implemented and made legal.

THAT this resolution be also circulated and made available to the Prime Minister of the Province, the Attorney General of Ontario, the Minister of Municipal Affairs, and all other Members of the Legislative Assembly of the Province.

SELECT COMMITTEE
OF THE
LEGISLATIVE ASSEMBLY OF ONTARIO
ON THE MUNICIPAL ACT AND RELATED ACTS

OUTLINE OF SUBMISSION ON BEHALF OF THE CORPORATION OF THE CITY OF OTTAWA

INDEX

SELECT COMMITTEE OF THE LEGISLATIVE ASSEMBLY OF ONTARIO
ON THE MUNICIPAL ACT AND RELATED ACTS

OUTLINE OF SUBMISSION ON BEHALF OF THE CORPORATION OF THE CITY OF OTTAWA

THE MUNICIPAL ACT

The principal submission of The Corporation of the City of Ottawa in respect of The Municipal Act is that the sections empowering municipal councils to pass by-laws should be rewritten or amended so as to extend and clarify the powers of municipal councils to pass by-laws in relation to municipal affairs.

Various sections of the Act set out with great particularity the power of municipal councils to pass by-laws on a variety of subjects. The courts have tended to hold that unless the municipality is empowered in express terms in respect of a particular matter it is without power to enact a by-law on the subject. It is the submission of the City of Ottawa that this tendency should be reversed and that the powers of municipal corporations should be broadened.

It is not suggested that the enumeration of powers contained in such sections as 377 and 379 should be eliminated. The desired result could be effected by an amendment to Section 243 deleting the words "in matters not specifically provided for by this Act" and adding a subsection to the effect that the granting of particular powers to pass by-laws under other sections of the Act shall not be deemed to derogate from the generality of Section 243. Incidentally, it is suggested that the last three lines of Section 243 relating to proceedings of the council should be separated from the balance of the section.

In accordance with the principle set out above, the following amendments to various sections of The Municipal Act are suggested in addition

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to the amendment to Section 243 already dealt with.

Section 215(1) - This subsection places a duty on the clerk "to keep the books, records, and accounts of the council" and a reference to accounts in the possession or control of the clerk appears in Section 216. An amendment should be made to make it clear that this does not include accounts normally kept by the treasurer.

Section 217(1) - This subsection places an obligation on the clerk to make a return to the Department of Municipal Affairs with respect to the financial affairs and accounts of the municipality. This appears to conflict with Section 223(1) where a similar obligation is placed on the treasurer.

Section 222 - This section requires every treasurer to "prepare and submit to the council half yearly, a statement of the money at the credit of the corporation." This section should be amended to require the submission to the council of a full financial statement.

Section 242(2) - This subsection provides that a by-law passed under The Municipal Act may not be quashed on the ground of unreasonableness. This should be extended to cover a by-law passed under the authority of any Act.

Section 247 - This section provides that the power to license includes the power to prohibit. This section should be modified to provide that the power to license includes the power to revoke. If this were done, the words "and for revoking any such license" in various sections of The Municipal Act could be omitted.

Section 247(7) - This subsection authorizes the power to suspend the license to be delegated to the Chief Constable in the case of by-laws passed by the Board of Commissioners of Police. This power to delegate should be granted to municipal councils in the case of by-laws passed by them.

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Sections 298, 299, 303, and 304 - The phrases "separate account" and "special account" should be clarified and where a separate bank account or a special bank account is intended it should be so stated. In addition, if a special bank account is required for reserved funds, the municipality should be empowered by by-law to provide for a consolidated bank account as in the case of sinking funds. (See Section 304(30).)

A provision should also be added authorizing municipalities to borrow from reserve funds during the year provided the monies are repaid before the end of the calendar year.

Section 321(3) - The requirement that debentures on which the signature of the treasurer is mechanically reproduced must be countersigned by the deputy treasurer should be eliminated.

Section 323(1) and (3) - These subsections should be amended to provide that the certificate of ownership and the entry in the debenture register book may be signed not only by the treasurer but by any official authorized by him.

Sections 377, 379, and 381 - These sections should be rewritten so as to broaden and consolidate the powers of the municipalities to pass by-laws on the various subjects dealt with.

Special attention is drawn to the following paragraphs:

Section 377

Paragraph 59(h) - It is felt that the mandatory provision to transfer all credits is unreasonable in view of the difference in rates of contributions in various pension funds.

Assuming the basic principle involved in such transfers is to count as service with one authority the same period of service the transferring employee had with another government, municipal authority or board and considering the wide variety of contribution rates in various pension funds, it follows that the transfer of all credits (employee and employer's

contributions with interest thereon) from a fund whose rates are higher than those of the fund to which such credits are transferred, result in the possibility of the employee getting credit for a longer period of service with the new employer than he had with the former.

In a large number of pension funds, the employer usually contributes on a dollar-for-dollar basis with the employee. Thus under existing legislation, such transfers can result in the new employer being relieved of part of his contributions at the expense of the former employer.

It is therefore suggested that the present legislation be amended to provide for:

(a) The transfer of the lesser of

(i) the amount of credits of the employee in the pension fund, or

(ii) the amount required to purchase an equal period of service at the rates applicable to the new pension fund.

(b) Where the employee's credits exceed the amount required in the new pension fund, the excess of personal contributions not required be refunded to the employee and that the excess of the employer's contributions not required in the new pension fund remain with the old fund.

(c) When the amount transferred is not sufficient to purchase an equal period of service in the new fund due to a higher rate of contributions being in effect, the employee be given the right to

(i) pay into the new fund any difference required, or

(ii) count as service with the new employer only that part of his service with the old employer that his credits will purchase in the new pension fund.

Paragraph 69 - It is suggested that municipalities should be permitted to

pass by-laws for doing all the things mentioned in this section within the municipality without the approval of the Department of Municipal Affairs. Such consent should only be necessary if it proposes to do the work outside the municipality. Attention is also drawn to the fact that there does not appear to be any sections in The Municipal Act authorizing the municipality to erect such a necessary building as a City Hall or Town Hall. It is submitted that it is unnecessary to specify the various types of buildings and structures which might be erected by the municipality for municipal purposes within the municipality but if this is felt to be desirable it is submitted that the list should be broadened.

Section 379(1)

Paragraph 8 - This paragraph deals with by-laws for regulating the keeping, storing, and transporting of explosives. The power to regulate the use of explosives should also be included.

Paragraphs 110 to 125 - These paragraphs deal with nuisances of various sorts. The power of municipalities to prohibit or regulate nuisances should be greatly broadened, particularly in respect of noises.

Paragraphs 127 and 128 - The former paragraph refers to owners or operators of public garages while the latter refers to owners or keepers. There does not appear to be any reason for using both terms.

THE ASSESSMENT ACT

Section 1 - It would be of considerable assistance to assessors if the words "farm" and "farmer" were given a precise definition.

Section 9 - The percentages set out in this section were fixed many years ago and methods of business have changed considerably in the meantime. It is recommended that the percentages should be reviewed so as to impose the burden of this tax more equitably.

A subsection should also be added to this section making it clear that where an area such as a parking area in connection with a shopping centre is jointly used by a number of businesses it shall be deemed to be occupied or used for the purpose of or in connection with these businesses in determining liability for business assessment under this section. This problem has come before the courts in connection with the parking areas at shopping centres but the same problem could arise in connection with those parts of office buildings used for hallways, stairways, elevators, elevator shafts, entrances, basements, heating, air conditioning the laundry rooms, and washrooms.

THE ONTARIO MUNICIPAL BOARD ACT

Section 64 - This section should be amended to make it clear that it does not prohibit a municipality calling for tenders for the construction of a work without first obtaining the approval of the Ontario Municipal Board.

THE PLANNING ACT

Section 10(1)(b) - The obligation to hold public meetings should not be absolute. The requirement should be modified by such words as "where, in the opinion of the Planning Board, it is necessary to do so."

Section 18(1) - This section authorizes a committee of adjustment to approve a "minor variance." It would be desirable to define this term or at least place some limitation on what variance might be authorized.

Section 20(2) - This section empowers a municipality that has an official plan to designate a redevelopment area. It would be desirable to make it clear that the official plan meant here is an official plan of land use.

Section 26(13) - This subsection deals with conditions to a consent and makes reference to the matters set out in subsection 4 of section 28. The subsection should be amended so as to make it clear that conditions may be imposed respecting the dedication of land for public and highway purposes.

Section 28(5)(a) - The dedication of 5% of the land included in the plan may be adequate in the case of land zoned for single family purposes but it is submitted that a higher percentage would be justified for land zoned for multiple family uses.

Section 28(5)(a) and (10) - Reference is made in these subsections to "public purposes." It would be desirable to define this term.

Section 28 - It is submitted that it would be desirable to add a subsection to authorize the Minister, after registration of the plan, to permit variation of the conditions imposed on the subdivider. It is also desirable to add a subsection empowering the Minister to require fulfilment of the conditions by the subdivider.

Section 30(7) - This subsection deals with non-conforming uses. It is recommended that consideration be given to re-writing the provision so as to deal separately

with non-conforming use, non-conforming building, and non-conforming land.

THE LIQUOR LICENSE ACT

Section 72 - This section provides for the submission of a question to the voters. As provincial elections are generally held at about four year intervals the voters' list becomes out dated and difficult to use towards the end of the four years. Municipalities which have taken advantage of the Municipal Franchise Extension Act will have a voters' list that is as broad as the provincial voters' list and, accordingly, it is suggested that subsections 1 and 2 be amended by adding after the word "Assembly" the following: "or in the case of a municipality that has passed a by-law under Section 1 of the Municipal Franchise Extension Act, qualified to vote at municipal elections."

THE LORD'S DAY (ONTARIO) ACT

Section 3(3) - This subsection refers to a petition "signed by at least 10% of the electors of the municipality." Municipalities that have taken advantage of the Municipal Franchise Extension Act will have a great number of voters who are included in the description "electors of the municipality" but those who are on the resident voters' list under the provisions of the Municipal Franchise Extension Act may vote for members of the council only. They do not have a vote on questions. It is recommended, therefore, that this subsection be amended by adding after the word "municipality" in the third line the following: "qualified to vote on questions."

RESPECTFULLY SUBMITTED this 14th day of September, 1961.

CITY SOLICITOR.

August 3rd, 1962.

BRIEF ON BEHALF OF THE CORPORATION OF THE CITY OF OTTAWA
SUPPLEMENTARY TO THE BRIEF FILED ON SEPTEMBER 14th, 1961
WITH THE SELECT COMMITTEE OF THE LEGISLATURE ON THE
MUNICIPAL ACT AND RELATED ACTS

THE MUNICIPAL ACT

Section 242

In the brief dated September 14th, 1961 under the heading, The Municipal Act reference is made to subsection 2 of section 242 which provides that a by-law passed by the council under The Municipal Act may not be quashed on the ground of unreasonableness. It was submitted in that brief that this subsection should be extended to cover a by-law passed under the authority of any Act. It is now further submitted that this subsection should be extended to cover not only a by-law passed by the council but also a by-law passed by the Board of Commissioners of Police.

Section 377 - paragraph 69

Since the submission of the brief dated September 14th, 1961, this paragraph has been amended by The Municipal Amendment Act 1961-62 to delete the requirement of the approval of the Department except with respect to the establishment of slaughter houses under clause (o). This amendment makes the submission of the September, 1961 brief in relation to this paragraph unnecessary.

THE LOCAL IMPROVEMENT ACT

Section 2(1)

Paragraph (n) of this subsection provides that street lighting works to the extent to which the cost of the same exceeds the cost of the equipment, plant and works that would otherwise be provided at the expense of the Corporation at large may be undertaken on any street on petition only. It is submitted that there is no good reason why this type of work may be undertaken on petition only and that the words, "on petition only" should be deleted. It is also submitted that section 3 of the Act should be amended to include this type of work.

Section 67

This section which was amended in 1960-61 to apply to all municipalities and not merely townships and villages is no longer appropriately placed under the heading, "Special Provisions as to Townships, Towns, Villages, etc.".

It is further submitted that this section should be re-worded so as to broaden the power of municipalities in relation to imposing the cost of local improvement works on an area basis. As the section stands the cost of the work done on an area basis may be assessed and levied on the rateable property in the area defined or, where the work is the construction of a water main, sewer, sidewalk, pavement, curb or street lighting the whole or part of the cost may be assessed on the lots fronting or abutting on the work and the balance of the cost assessed and levied on the rateable property in the area. It is submitted that the section should also empower the municipality to impose a fixed rate per foot frontage over the whole area (flankage to be counted or disregarded as the municipality may see fit) with the balance of the cost if any borne by the Corporation. This power should certainly be applicable in respect of water mains, sewers, sidewalks, curbs, pavements and street lighting but there does not appear to be any good reason why it should not be extended to cover any work which may be undertaken as a local improvement.

THE PLANNING ACT

Section 31 of The Planning Act authorizes all municipal councils to pass building by-laws. It is submitted that the powers contained in this section should be enlarged as follows:

(a) The council should be authorized to empower the Building Inspector to revoke a building permit where there is a violation of any of the provisions of this by-law or the continuance of any work authorized by a permit becomes dangerous to life or property or there is a violation of any condition on which the issuance of the permit was based.

(b) The council should be authorized to empower the Building Inspector or any assistant Building Inspector to enter any building or premises at any reasonable time for the purpose of administering or enforcing the building by-law.

(c) Paragraph 57 of subsection (31) of section 379 of The Municipal Act authorizes the enactment of by-laws for permitting an owner or occupant of any building to enter upon adjoining land for the purpose of making repairs, alterations or improvements to the building, but there does not appear to be any legislation authorizing a similar entry upon adjoining land for the purpose of constructing a building or for the purpose of underpinning or securing the walls of a building on adjoining land which may be affected by the erection of a new building. This omission should be cured by the addition of a paragraph to either section 31 of The Planning Act or to section 379 of The Municipal Act authorizing municipalities to pass by-laws permitting entry to such extent as may be necessary.

(d) Paragraph 23 of section 31 of The Planning Act authorizes the enactment of by-laws for requiring that public buildings be designed by and constructed under the supervision of a professional architect or professional engineer. It is suggested that this power should be extended to include not only public buildings but all buildings more than three storeys high or more than 5000 sq. ft. in floor area.

St. Thomas Ont.

City Clerk's Office,
City Hall,
ST. THOMAS, Ontario.

November 7th, 1961.

Mr. Hollis Beckett, Q.C.,M.P.P.,
Chairman,
Select Committee on the Municipal
Act and Related Acts,
Room 377,
Parliament Buildings,
TORONTO 5, Ontario.

Dear Sir:

Attached are the submissions of the City of St. Thomas with respect to legislation on which your Committee has suggested representations.

Yours truly,

E. C. Reid

City Clerk.

ECR:MLG

Attached.

Ward System - Multiple Vote on Money By-Laws

It is assumed that the original intent of this enactment - the right to vote more than once on a money by-law - was a method of recognizing the land owner with a substantial investment in property. There may have been some circumstances at the time which made this arrangement an equitable one, however, under modern conditions a property owner with large holdings in one ward may have far more in assessment rating than an owner rated in several wards.

Under existing legislation, the latter would be entitled to vote on money by-laws in as many wards as he owns property of sufficient assessment valuation.

It is respectfully recommended that Section 264, The Municipal Act, R.S.O. 1960, Chap. 249, be repealed:

> "264. In a municipality divided into wards, a voter is entitled to vote on a money by-law in each ward in which he has the prescribed qualification, but is not entitled to vote more than once on any other by-law or on any question submitted to the electors unless it is otherwise expressly provided by the Act, by-law or other authority under which the vote is taken. R.S.O. 1950, c. 243, s.280."

Failing this, it should be made applicable only to municipalities which use the ward system in general municipal elections.

Subsidies and Multiplicity of Forms

Municipalities now receive many subsidies from the Provincial Government. It is acknowledged that with the provision of conditional grants a very strict supervision and accounting must be provided to ensure that expenditures to which government subsidies are made, should be in accordance with government requirements. It has been noted, however, that with each new item of financial assistance, the province requires considerably more information. The labour involved in preparation of the required information is not usually subsidizable yet at the same time municipal officers involved must divert their attention from their normal municipal duties to provide such information -- usually within stipulated time limits.

The City of St. Thomas suggests that all government departments review the information required from municipalities for subsidy purposes with a view to reducing the amount of work imposed on the various departments of municipal government.

Another factor affecting municipal financing is the date on which subsidies are received. Municipalities are usually faced with heavy bank borrowings to meet current expenditures at the beginning of each year and prior to tax demand. If government subsidies could be made available to municipalities earlier in the year, considerable savings could be effected as a result.

Police Commissions

In 1958 following repeated requests from municipalities, legislation was passed to permit change in the composition of Police Commissions. This provided that the third member of the Board, previously a magistrate, would be a "person" designated by the Lieutenant Governor in Council.

It is felt that this is an improvement in that a representative of the community may be appointed, however, it does not approach the matter from the municipal viewpoint. The Board of Police Commissioners is a public spending body of the municipality and its expenditures should be controlled in some manner by the elected representatives responsible to the electorate. The City of St. Thomas submits that further amendment to legislation is necessary to provide that the third member of a Board of Police Commissioners be an elected member of the local municipal council approved by the Lieutenant Governor in Council.

Salaries and Allowances - Members of Council and other public bodies.

Section 408 of the Municipal Act states:

> "408. Notwithstanding the other provisions of this Act or any other general or special Act, where an elected member of a council of a municipality or a local board, as defined in The Department of Municipal Affairs Act, is, under a by-law or resolution of the council or such local board, paid a salary, indemnity, allowance or other remuneration, one-third of such amount, but not exceeding $2,000.00, shall be deemed to be for expenses incident to the discharge of his duties as a member of the council or such local board. 1953, c.70, s.16."

Under present conditions, members of council are required to attend many meetings and are involved in expenses with which they would not normally be confronted as an ordinary citizen. The one-third of the total allowance stipulated by The Municipal Act does not cover these incidental expenses. Members of council do not object to payment of their salaries for expenses but feel that where these salaries are in effect used for expenses, this should be recognized by the Province and the Income Tax Department of Canada.

It is recommended that steps be taken to amend the Municipal Act to remove the one-third limitation and if necessary, to have this arrangement approved by the Department of Revenue, Canada.

Voting under provision of The Liquor Licence Act

Under the provisions of this legislation, municipal Councils may be involved in election expenses against their wishes. A vote can be forced upon councils by a sufficiently signed petition which has no consideration for existing municipal budgets or tax revenue.

The results of such elections usually have a favourable effect for the persons or interests promoting such election and also, in most cases, eventually results in increased taxation revenue for the Province. While the benefits, if any, gained by the inhabitants of the municipality are nebulous in nature, the tangible benefits gained by the promoting interests and the province are much more evident. It is suggested that local municipalities should not be confronted with the cost of such elections but that these should be borne by the province or the promoting interests.

It is understood that in many cases, those promoting interests are prepared to assume such costs. It would appear that in such cases, the Municipal Act should permit an arrangement of this nature.

Voting under the provisions of The Lord's Day (Ontario) Act

In the case of elections under this legislation, it is mainly one of concern to the local inhabitants. In some instances, however, the interest in commercial sports on Sunday is created by those who have facilities to offer for gain. Where these interests are prepared to contribute to the cost of such elections, provision should be made in The Municipal Act to permit such financial arrangement with the Council.

Sept. 11, 1961.

CITY OF SARNIA
ONTARIO CANADA

OFFICE OF THE CITY MANAGER

September 8th, 1961

Mrs. H. G. Rowan
Secretary
Select Committee on The
Municipal Act and
Related Acts
Room 377
Parliament Buildings
Toronto 5, Ontario

Dear Mrs. Rowan:-

As directed by City Council, we enclose twenty-five copies of the items they wish to present for consideration:

Paragraphs 1 (a) and 1 (b): Municipal Elections.

Paragraph 2: Park and Recreation functions.

Paragraphs 3 and 4: Suggestions re diseased or dead trees, and unkempt properties.

Paragraph 5: Highway Traffic Act regarding burning tar pots.

Paragraph 6: Untidy housekeeping in residential areas.

Paragraph 7: Highway Traffic Act re speed limits for trucks.

Yours very truly,

R. G. Given
City Manager.

RGG/gm
Encls.

1. (a) Municipal elections and proceedings in connection therewith are conducted under the provisions of the Municipal Act, the Assessment Act, the Voters List Act, the Election Act, the Municipal Franchise Extension Act, Public Schools Act, Separate Schools Act, Schools Administration Act and Public Utilities Act. In conducting an election, the provisions of the above Acts together with any amendments, must be kept in mind. It would appear that portions of these Acts as to regulations, qualification, nomination, election, unseating, resignation, etc., could be consolidated into a statute, possibly to be known as "The Municipal Elections Act", with resulting benefit to the many municipalities of Ontario insofar as the elections of Councils, School Boards and Public Utilities Commissions is concerned.

(b) At the present time, there is no specific directions as to what constitutes a "spoiled ballot" in a municipal election. There are court rulings on the subject which do give some guidance. It would be most desirable that some direction, other than simply requiring a ballot to be marked with an " x ", be furnished.

2. Amend legislation so that Municipal Park and Recreation functions could be administered by one department of the Government. It is our understanding that there are now seven departments of the Government which have a control over these two operations.

3. Legislation be enacted to permit a municipality to remove diseased or dead trees on private property -- the charge for same to be against the property. This may be operated somewhat similar to the Weed Control Act.

4. Very often buildings which may be structurally sound are left unkempt to the point where adjoining properties are seriously affected, property valuewise. We receive many complaints on such conditions and we are helpless to take any action. Provision in the Act to provide authority to enforce maintenance of buildings would appear to be the answer.

5. There appears to be no control provided for in the moving on highways or streets of tar pots either with or without the fire burning. We have, on occasion, seen a tar pot filled with molten tar being pulled behind a truck in rush hour traffic. Any accident causing spilling or splashing of molten tar could prove disastrous to people.

6. Untidy housekeeping on the part of a tenant or an owner can create a real eye-sore in residential sections of the City. At present, there is no authority to force the owner to clean up and to move noncombustible material, such as, old car bodies, concrete rubble, steel barrels, etc. We suggest that permissive legislation would be most helpful. Costs, if the City is forced to do cleaning up, should also be assessed to the land.

7. The Highway Traffic Act allows municipalities to establish, with the approval of the Department of Transport, speed limits as low as 25 M.P.M. for motor vehicles. The Department of Highways has found it necessary to provide that a lower speed limit be established for trucks on certain Provincial Highways. It is necessary that municipalities be given the same privilege in order to overcome certain serious local problems.

Section 59 of the Highway Traffic Act should be amended to allow municipalities to pass by-laws to reduce speeds for commercial vehicles and/or public vehicles, to 25 M.P.H. on defined streets without the necessity of also reducing the speed of all other motor vehicles at the same time.

Hollis Beckett, Esq., Q.C., Chairman,
and Members of the Select Committee on
The Municipal Act and Related Acts.

REPRESENTATIONS SUBMITTED ON BEHALF OF

THE CORPORATION OF THE CITY OF TORONTO

INTRODUCTION

The Government of the City of Toronto is vested in a Municipal Council under the provisions of The Municipal Act. Additional powers are conferred upon the Council by many other Acts such as The Assessment Act, The Planning Act, The Local Improvement Act, and various Private Acts relating to the City of Toronto.

The council is composed of a mayor and four members of a board of control, elected by the voters at large, and eighteen aldermen elected from the nine wards into which the City is divided, two from each ward. This makes a total membership of twenty-three.

Since 1956 the nomination and election of candidates for council and for any local board to which members are elected, have been held in every second year in Toronto as well as in the other twelve area municipalities of Metropolitan Toronto.

The Council is the legislative body of the municipality and carries on its work by means of the Board of Control and a number of standing committees. The Board of Control is the executive body of Council and as such is responsible for the preparation of the annual estimates, the regulation and supervision of all matters relating to finance, expenditures, the renting or leasing of properties, the preparation of specifications, the calling for tenders and the awarding of contracts for works, materials and supplies required by the Corporation. This structure of municipal

responsibility has been in general found satisfactory.

The Municipality of Metropolitan Toronto is a municipal corporation separate and distinct from The Corporation of the City of Toronto, in which many financial and other powers previously belonging to the latter municipality have been vested pursuant to The Municipality of Metropolitan Toronto Act which was passed in 1953. The territory governed by the Metropolitan Corporation has therefore a federal system of municipal government, unique in this Province and indeed in North America, whereby thirteen area municipalities retain powers in respect of local matters and have representation on the Metropolitan Council which is the legislative body of the federation.

As a result of this federal system The Corporation of the City of Toronto has been faced with a number of difficulties. For example, the Metropolitan Corporation approves all borrowing by this municipality and fixes a maximum limit on this municipality's borrowing powers.

Another example of the financial problems faced by the City of Toronto as a result of the federal system is grants payable to municipalities under The Municipal Unconditional Grants Act. The grants paid by the Province directly to the Metropolitan Corporation are calculated on a per capita basis, while the portion of such which is credited to the City of Toronto is calculated on this City's residential assessment. This mode of dividing the grant results in an inequitable share for the City of Toronto, having regard to this City's large population and low residential assessment in relation to the other area municipalities.

I THE MUNICIPAL ACT.

1. Elections

Report No. 19 of the Committee on Public Welfare, Fire and Legislation, adopted by City Council without

amendment on December 18, 1961, made certain recommendations concerning the provisions of The Municipal Act and other statutes in relation to elections and election procedure. A summary of the recommendations contained in the report is set out hereunder and it is submitted that the same should be implemented.

(1) Voting qualifications for elections for City Council and trustees of Local School Boards to be based on residency.

Under this proposal a person entitled to vote at municipal elections would be required to be

(a) of the full age of twenty-one years;

(b) a British Subject by birth or naturalization (all Canadian citizens are British Subjects);

(c) a resident of the municipality and to have resided in the municipality for three months next preceding the day of polling and to be a resident of the municipality on polling day, or rated to the amount of $400.00 on the last revised assessment roll of the municipality for property held in his or her own right as owner or tenant or the spouse of the person so rated as owner or tenant; and

(d) not disqualified under any Act or otherwise by law prohibited from voting.

"Residence" in relation to a person should mean his true, fixed, permanent home or lodging place to which whenever he is absent he has the intention of returning, subject to the following rules:

1. The place where a person's family resides shall be deemed to be his residence unless he takes up or continues his residence at some other place with the intention of

remaining there, in which case he shall be deemed to be a resident of such other place.

2. The place where a single person occupies a room or part of a room as a regular lodger or to which he habitually returns, not having any other permanent lodging place, shall be deemed to be his residence.

3. No person shall be deemed to be ordinarily resident in quarters or premises that are generally occupied only during some or all of the months of May to October and generally remain unoccupied during some or all of the months of November to April, unless

   (a) he is occupying such quarters in the course of and in the pursuit of his ordinary gainful occupation, or

   (b) he has no quarters in any other electoral district to which he might at will remove.

Qualification for voting on money by-laws would remain as at present except that voters would be restricted to voting once only in the City on such by-laws. The procedure for preparation of the Voters' List would be as set out particularly in letter from the City Clerk dated November 6th, 1961, included in the said report.

In the event that the proposal to base the qualification on residence is not put into effect, the alternative should be adopted of having The Municipal Franchise Extension Act amended to provide that the definition of "residence" for Resident Voters' List purposes shall be made similar to that contained in The Election Act of the Province of Ontario, as hereinbefore set out. The further alternative of amending The Municipal Franchise Extension Act to permit the persons entered on the Resident Voters' List to vote for

candidates for school boards and on questions other than money questions and by-laws should in that event be adopted.

(2) Designating on Voters' List offices for which electors are qualified to vote.

In the event that the proposal to base the qualification for voting on residence is not put into effect, legislation should be enacted to allow the City Clerk to designate, on the Voters' List, opposite each name, the office or offices for which that person is qualified to vote.

(3) Tabulation of votes at a central location instead of by Deputy Returning Officer at Polling Place.

At each election in the City of Toronto it becomes increasingly difficult to obtain the services of Deputy Returning Officers who are capable of accurately counting and tabulating votes. The Municipal Act should be amended so that these matters could be performed at a central location by permanent employees rather than by Deputy Returning Officers at the polling places.

(4) Extending time for casting up votes.

An amendment should be made to permit the City Clerk to declare the results of voting at noon of the third day following the election, rather than on the second day. Now that elections are held several weeks before the new Council takes office there is no longer the urgency to make the official returns and an extra day in casting up the votes would permit a more careful scrutiny and checking by the City Clerk and his staff of the results of voting.

(5) Consolidation of legislation dealing with municipal elections.

The legislation prescribing the procedure of municipal elections and the qualifications of candidates for municipal office and for voting is in some instances obscure

and difficult to interpret and apply. That legislation is found chiefly in The Municipal Act but it is also scattered throughout other statutes such as The Voters' Lists Act, The Municipal Franchise Extension Act and The Assessment Act.

If all legislation dealing with municipal elections was organized in logical sequence and consolidated into one statute or as a separate part of The Municipal Act, it would be much easier to refer to it for guidance.

(6) Simplification of qualification of candidates for municipal office and elimination of unwarranted restrictions.

As a result of complex property qualifications that candidates for municipal office must meet it is in many circumstances not readily apparent whether a person possesses the necessary qualifications.

It is submitted that every person should be qualified to be elected a member of the council of a local municipality who

(a) is of the full age of 21 years;
(b) is a British Subject and has taken the Oath of Allegiance;
(c) resides in or within five miles of the municipality; and
(d) is not otherwise disqualified.

In the case of the Council of the City of Toronto a candidate should in place of item (c) above be required to reside in the Municipality of Metropolitan Toronto.

(7) Penalty for removing Voters' Lists posted in sub-divisions.

In view of the number of posted up Voters' Lists which are mutilated or torn down a penalty should be imposed for such offences and authority given to offer rewards for

the apprehension and conviction of persons responsible therefor.

(8) Mailing of Voters' Lists to electors.

It is suggested that the Provincial Government petition the Federal Government to grant franking privileges to Municipalities for this purpose and that, if such privilege is granted, a copy of the Voters' List be forwarded to the voters instead of posting such list in polling sub-divisions as at present.

(9) Preparation of Voters' List before return of the roll.

In the event that the Voters' List continues as at present, provision should be made for the circumstance where the return of the Assessment Roll is delayed for one or more wards. If a roll is not returned by October 1st there is insufficient time to prepare and revise the list. Authority should be given in such cases to prepare the list from the certified list of the next previous year together with supplementary information furnished by the Assessment Commissioner.

(10) Elimination from Voters' List of persons who cease to hold prescribed qualifications.

Provision should be made for the removal from the list of the names of owners or tenants who have disposed of their interest in property, to prevent duplication of voting privileges in respect of the same property.

(11) Establishment of a permanent registration system and use of voting machines.

To replace the present system of compiling the Voters' List, it is recommended that the Federal and Provincial Governments be requested to study the establishment of a permanent registration system, together with the use of voting

machines for Federal, Provincial and Municipal Elections. This proposal would require citizens in the first instance to register their names at one of the registration offices which would be established throughout the City, and on election day the signature on the voter's application for a ballot would be checked with his signature on the form signed at the time of registration. If a person failed to vote at two or three successive elections, his name would be removed from the registration list, and he would be required to register again before being entitled to vote.

(12) Change in form of oath of voter.

Section 37 of The Municipal Act provides that anyone rated or entitled to be rated on the last revised Assessment Roll as a tenant or owner is entitled to vote provided he meets certain other qualifications. However the form of oath that may be administered to a voter under The Municipal Act (see Form 12) where such voters qualify as an owner of land, requires such voter to swear that he was at the date of the election an owner of land. Further, the form of oath requires a tenant to swear that he was a tenant of land in respect of which he qualifies but not when such tenancy existed.

Form 12 of The Municipal Act should be amended so that it will not be inconsistent with the qualifications set out in Section 37 of that Act. Any amendment should also specify the date or period when a tenancy was held by the voter.

2. Instalment Taxes

The Municipal Act was amended at the 1960-61 Session of the Legislature to enable municipalities in Ontario to make a preliminary levy for taxes before the tax rate is struck, and to provide for payment of municipal taxes in instalments spread over the entire year, with power to impose

penalties on instalments that are in arrears. This legislation was enacted after the City of Toronto requested similar power in its private bill.

The said amendment to The Municipal Act excludes from its scope a number of important sources of revenue contained in the City's original proposal, which will consequently result in considerably less money coming in to a municipality early in the year. Such a reduction in revenue means that a municipality has to borrow more earlier in the year to pay for its services, and the interest charges on such borrowing must be shared by those who pay their taxes in instalments as well as those who are not billed or are not fully billed on the instalment basis.

The legislation should be widened to include business tax in the preliminary levy and to permit the preliminary levy to be based on rates levied in the previous year on residential real property or on commercial real property as the case may be. Under the present legislation the amount of the preliminary levy can be based solely on the preceding year's residential real property rate applied to both residential and commercial property.

Annual payments to municipalities under Section 43 of The Assessment Act made by commissions which operate public utilities should be included in the aforesaid preliminary tax levy and authority to make such payments in instalments should be given.

3. Disclosure of Interest

Section 35 of the Act provides for disqualification of a candidate or member of council if he has through himself or by or with or through another an interest in any contract with the Corporation or with any commission or person acting for the Corporation or in any contract for the supply of goods or materials to a contractor for work for which the Corporation pays or is liable directly or indirectly to pay,

or which is subject to the control or supervision of the council or of an officer of the Corporation, or who has an unsatisfied claim for such goods or materials. In the foregoing "contract" includes a contract with the public or high school board or a board of education. There has been for some time a further provision in section 35(3) to the effect that the foregoing did not apply by reason only of certain circumstances including the owning by a member of shares in an incorporated company having dealings or a contract with the Corporation. In the 1960-61 Session section 198a was added which required a member of a council or local board to disclose any pecuniary interest, direct or indirect which he might have in any contract or proposed contract with the council or local board and to refrain from voting or discussion thereon. This did not have the effect of allowing a member to disclose an interest for which he would otherwise be disqualified and to obtain exemption from disqualification as a result of such disclosure. The provision only had the effect of recognizing that there were certain interests which might properly be considered direct or indirect pecuniary interests but which did not by reason of the exclusions in section 35(3) amount to a ground for disqualification. In these circumstances it did however, require that the interest be disclosed even if such disclosure would not give protection from disqualification if the interest were such that a member possessing the same would be rendered ineligible for council under section 35. It also appeared that at that time failure to disclose carried no penalty. In the 1961-62 Session an amendment was made which provided that failure to disclose his direct or indirect pecuniary interest in a matter, resulted in a person losing the immunity from disqualification that he might otherwise possess under certain portions of section 35(3). At the same time an amendment was made to section 35(3) which removed the exemption in respect of a shareholder in an incorporated

company if he is a director, manager, secretary, treasurer, secretary-treasurer or agent of the company or if he or his spouse with whom he is living has a controlling interest therein. The end result of these enactments is that the statutory statement of the rights of council members in this regard, which should be clear and unequivocal, is obscure and difficult of interpretation. The obscurity arises basically from the following reasons:

(1) The section on disclosure of interest (s. 198a) is separate from that which sets out the circumstances under which a member is disqualified (s. 35) and the wording of section 198a imposing the conditions under which disclosure is required does not coincide with wording of section 35 respecting disqualification.

(2) The amendment to section 35 made at the 1961-62 Session of the Legislature has the effect of extending disqualification to directors, managers, agents, treasurers and the officers of incorporated companies and to persons having controlling interests therein. The new provision is in its entirety a very considerable restriction of the class of persons eligible for council membership. In particular the use of the word "agent" would exclude from membership persons standing in a good many possible relationships to a corporation having dealings or a contract with a municipality. The question arises in a variety of cases, including such examples as an agent for an insurance company which has an insurance contract with the municipality even though the policy may not have been sold through his agency, solicitors for corporations with contracts or dealings with a company which may be of a minor nature, a member of a firm of solicitors which represents an incorporated company

having dealings with the municipality, and many others.

(3) Section 35(1) provides for disqualification by reason of contracts with the corporation as therein particularly stated. Section 35(3) which provides for exemptions from the general rule applies such exemption to certain persons having contracts or dealings with the municipal corporation, thereby giving rise to an implication that the disqualifying section is broadened in scope to include not only contracts but other dealings as well.

It is submitted as follows:

(a) that sections 35(3) and 198a and 198b should be merged and toward that end the said section 35(3) should be re-enacted to provide that the disqualification set out in subsection (1) should not apply to a person by reason only of the circumstances referred to in sections 35(3) and 198b, provided that in the case of a member to whom the provisions of sub-clauses (a), (b), (d) and (1) of section 35(3) apply disclosure is made and the member does not vote and refrains from consideration or discussion of the matter. The said sub-clauses (a), (b), (d) and (1) and section 198b refer respectively to shareholders of incorporated companies having dealings or contracts with a municipal corporation, lessees of corporations for term of 21 years or upwards, proprietors of or persons interested in newspapers or other publications having certain dealings with the municipality or to which it subscribes, persons having agreements with or claims against the municipality in respect of the acquisition of

land for road widening or curve adjustment, and appointments to fill vacancies in council or local boards;

(b) that section 35(3)(a) be amended to coincide with the wording of section 35(1)(q) and that the amendment effected at the last Session of the Legislature be withdrawn so that this sub-clause will read:

"Subsection (1) does not apply to a person by reason only,

(a) of his being a shareholder in an incorporated company having an interest in a contract referred to in section 35(1)(q)."

(c) that if the foregoing item (b) is not granted the words "dealings or" and "or agent" should be deleted from section 35(3)(a).

4. Annual Remuneration of Members of Council

The annual remuneration of members of council is subject to a deduction of a reasonable sum for absence from the ordinary meetings. This does not apply to the mayor or the members of the board of control. There is provision for not making this deduction if a councillor is absent on account of illness, a death in the family or absence from the municipality in the performance of his duties. It is submitted that no deduction should be made from the annual allowance because of absence from a council meeting. Members of council have numerous committee meetings and other appointments to keep in the performance of their duties. The fact that they are absent for one meeting of council should not mean a deduction from the annual remuneration.

5. Finances

Section 246, which requires that the fiscal year of every municipality and local board shall be the calendar year from January 1st to December 31st, should be amended to provide, as an exception to the general provision, that the fiscal year for certain local boards such as boards of management of hockey and skating arenas, shall be from October 1st to September 30th. Where the fiscal year ends on December 31st, the annual financial statement for such enterprises will reflect the operation for the end of one playing season and the beginning of the next, making it impossible to assess the financial results of the normal activity year which usually extends from October to May.

At the 1960-61 Session of the Legislature Section 302 was amended extending the scope of securities in which monies, not immediately required by a municipality, may be invested. Fixed-term deposits with any chartered bank are now included within such scope.

A further extension of the range of permissible investments should be made to include other short term loans secured by Dominion or Provincial bonds held as collateral.

In order to expedite capital projects for which a debenture issue has already been approved by the Ontario Municipal Board, municipalities having a population of 400,000 or more should be authorized to make temporary borrowing for such projects from other funds or from its boards and commissions, pending the issuance of the debentures, subject to any appropriate limitation that may be desired.

Since the revenue fund of a municipality is charged with all interest payable in connection with capital borrowings, Section 302 should be amended to permit the interest earned on invested surplus capital funds to be

taken into the revenue fund of a municipality. It could be specifically provided that such surplus capital funds may be invested by way of a loan to the revenue fund.

II THE ASSESSMENT ACT

6. Assessment Returns by Taxpayers

The Assessment Commissioner in Toronto is experiencing great difficulty in obtaining accurate information as to the number of persons residing at premises in the City. Without such information an accurate count cannot be obtained. This reduces the amount of per capita grants received by The Municipality of Metropolitan Toronto and prevents the preparation of accurate Voters' List for this municipality.

To enable a more accurate population count, The Assessment Act should be amended to require a person who employs two or more permanent employees for a period of not less than three months to file with the Assessment Commissioner the names and addresses of such employees residing within the Metropolitan area.

The assessor should be empowered to forward a return to owners, tenants and occupants of property in advance of his visit to the property or at any time, requiring such information to be filled in and returned to the assessment office.

The place of residence of any person liable for assessment of a property should be required to be set out in the assessment rolls if the Voters' List is to designate for what offices that person is qualified to vote.

Although the Act specifies certain factors which must be considered by an assessor in determining the assessed value of property, no guidance in the Act is given for determining a number of other variable factors. Under

Section 21 of the Act the Minister may prescribe rules for the guidance of assessors. A greater uniformity in assessment throughout the Province would be achieved if the Minister prescribed a "base year" for building costs to be used by assessors in determining replacement costs, and a "base year" for property sales and rental values, depreciation schedules for each class of property and the capitalization rate applicable to each class of property when capitalizing rents to determine the economic value of a property.

The adoption of "base years" would enable an assessment to reflect more accurately present day values. It could be changed at the discretion of the Minister, say every three or five years which would provide fixed periods when all assessments must be reviewed.

7. School Supporters

Many changes in the assessment roll relating to school support are required each year through change of ownership and otherwise. In almost all cases the only persons concerned are those who make the requests for changes, and there is no issue to be tried. Notwithstanding this the matter must be submitted to the Court of Revision within the time limited by the return of the roll or October 14th, whichever is later, and the provisions of the Act relating to trial of complaints before the Court of Revision apply including the necessity of notice to the party concerned. This results in the attendance of large numbers of persons at the Court of Revision in circumstances where the matter could be handled quite effectively without the necessity of such attendance. In addition, a person who applies for a change of school support is given a further assessment notice which has the effect of extending the time during which he may appeal his entire assessment.

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Section 27 of the Act should be changed so that the Assessment Commissioner may apply to the Court of Revision for certificates of changes made under this section without the necessity of attendance by the applicant. It is also suggested that the time for applying for the change should be between January 1st and January 31st in the year in which the taxes are levied.

8. Exemption from taxation of properties leased by one normally tax exempt body to another

Section 265 of The Municipality of Metropolitan Toronto Act provides for exemption from taxation of property leased by the Metropolitan Corporation to an area municipality, or by an area municipality to the Metropolitan Corporation, or by one area municipality to another. It is requested that this exemption be extended to all leases from a municipality to another tax exempt body, or from a tax exempt body to a municipality. One case in which this would provide an exemption not presently given would be the case of a lease of property between a municipality and a school board.

9. Goods liable to seizure for business tax.

A municipality does not have the authority to collect arrears of business taxes by a tax sale of the lands and buildings. In collecting for arrears by distress the exemptions from seizure allowed by The Executions Act must be observed. In the case of chattels used in the conduct of the business this exemption is $1,000.00, which in many cases has the effect of exempting all the property on the business premises. It is recommended that this exemption should not apply in the case of distress for unpaid business taxes.

10. Amendment of Section 43 respecting annual payments by commissions.

Section 43 of The Assessment Act requires municipal corporations, trustees, commissions or other bodies operating public utilities to make annual payments based on the application of certain rates to the assessed value of the land at the actual value thereof "according to the average value of land in the locality" and the assessed value of the buildings. It is suggested that the word "locality" be deleted and the words "area in which the lands and buildings are located" be substituted therefor.

11. Tax Refunds.

It is noted that City Council is considering an application for legislation to repeal present provisions which now permit vacancy allowances for multiple family dwellings and, in the event that such application is not granted, the following suggested amendments respecting vacancy allowances should be implemented.

At present The Assessment Act permits a refund in respect of a building that was vacant three months or more during the year. The applicant has until February 28th of the year following the taxation year to make the application. The difficulties which have arisen in administering this section have been as follows:

(a) The remoteness of the latest time at which the application can be made (February 28th of the following year) from the actual time of the vacancy makes it difficult to check the correctness of the applicant's claim.

(b) Applicants frequently require refunds for various periods of vacancy during the year which when added together equal or exceed three months, but none of which taken separately is of that duration.

(c) Developers sometimes complete a portion of a building, possibly one suite, far in advance of the time the building is ready for general occupancy. This part may be used as a model to show prospective tenants. The owner may, under present legislation, apply for a vacancy allowance for this portion.

(d) A vacancy allowance may not be obtained for a building that is partially exempt. A building with a partial exemption obtains such exemption in respect of general rates only, while a building which obtains a vacancy allowance does so in respect of other rates as well. Under these circumstances the partial exemption may, when a building is vacant, operate to the disadvantage of the owner.

It is suggested that an application for vacancy allowance should be required to be made within 30 days of the expiration of the vacant period and in any event not later than December 31st in the taxation year. The period of 3 months minimum vacancy, and any additional time included, should be an unbroken period. The refund should not be given in respect of any part of a new building until the whole building has been completed and occupied.

With regard to rebates of business tax it is recommended that the provisions of section 9(8) of The Assessment Act which provides for a minimum business assessment of $100.00 be extended to the case of refunds. If the reduced business assessment resulting from operation during part of the year only is less than $100.00, the same should be raised to $100.00.

III THE PLANNING ACT

The provisions of this Act which authorize the enactment of municipal zoning and building by-laws require revision if such by-laws are to be effective.

12. Zoning

Under the provisions of this Act uses which were lawfully carried on at the date of the passing of the zoning by-law are exempt from the provisions of that by-law. Such uses are often referred to as "legal non-conforming uses". The purpose of the exemption is primarily to protect the financial investment in such uses.

In 1953 a zoning by-law was passed which implemented the official plan for Toronto and which divided the entire City into zones and provided standards of permitted uses for each zone in the City. In each such zone pockets of "legal non-conforming uses" exist which are not affected by the zoning by-law and which render it difficult and at times impossible to enforce the standards set out in the by-law. The provisions of the Act which provide for "legal non-conforming uses" should be changed so that the continuance of such uses could be authorized for fixed periods only until their values are amortized. Such an amendment, while recognizing and protecting the financial investment in such uses which ensure that they could not be held in perpetuity and that other property owners in a particular zone would have some assurance that the zoning standards for their area would eventually be met.

Apart from the aforesaid provisions of The Planning Act a further exemption is given by Section 11 of The Registry Act, 1954, to the user of land where the use was commenced on or before March 19th, 1954, and the owner at that date was bona fide purchaser for value but was using the land for that purpose without actual notice of the by-law.

Where a zoning by-law is being enforced it is seldom possible for the City to rebut evidence that the use was carried on on March 19th, 1954, by one without notice of the by-law. In effect this exemption has prevented enforcement of zoning restrictions against any use that commenced on or prior to the aforesaid date. The purpose of the exemption to a great extent is fulfilled by the protection of "legal non-conforming uses" under The Planning Act and Section 11 of The Registry Amendment Act, 1954, should be repealed.

13. Building By-laws

The provisions for enforcement of building by-laws contained in Section 31 have been found insufficient to deal with infractions of those by-laws in this municipality. In particular the authority which enables a municipality to pull down, repair or renew at the expense of the owner, buildings erected in contravention of the building by-law or buildings in an unsafe condition, is not satisfactory because the remedy to be exercised precedes any determination by a court that such building either contravenes or is in an unsafe condition. If a municipal inspector proceeded to demolish a building under those circumstances both he and the municipality might well be liable for damages if a court subsequently ruled that such structure did not contravene the by-law or that it was not in an unsafe condition.

The present procedure of applying for a mandatory injunction before a Supreme Court Judge is too lengthy to permit prompt enforcement of a violation of building or zoning by-laws. In this jurisdiction it takes often a year or longer from the time a writ is issued until the matter is determined by the court. In addition to the great expense involved an equitable remedy of this kind permits the court to exercise its discretion and refuse an injunction even where a violation of the by-law is proved.

The existing legislation should be amended to provide a more expeditious method for a municipality to obtain a court order to enforce its zoning and building by-laws. For example, where there is reason to believe that a building contravenes the building by-law or is in an unsafe condition or is unfit for human habitation the municipality, before taking any remedial steps should be able first to apply to a County Court Judge in Chambers, after giving notice to all those with interest in the property, for an order that the owner or municipality must demolish the building or must make it comply with the by-law. In the event that the order is given to the municipality the expenses incurred should become a lien on the land affected by the order.

Consideration should be given to broaden the grounds for which demolition or repair of a building or structure may be ordered. Many buildings often used for non-residential purposes are allowed to deteriorate into slums which are not necessarily in an unsafe condition. The landlord by reason of the low assessment thereby obtains an increased profit from the rental without violating the provisions of existing building codes. /

14. Architectural Review Committee

Section 30(1)4 of The Planning Act authorizes by-laws for regulating the spacing, external design and character of a building. Such a by-law setting out elaborate regulations regarding external design and character of buildings would restrict the development of a municipality and would unduly curb the creative freedom of individual architects to design as well as they can.

It is desirable to provide an opportunity for planning officials of a municipality to meet with a developer to review and discuss his plans and for making suggestions for changes if necessary at an early stage

before the plans are completed and before the developer undertakes commitments which would make changes impossible. A committee authorized by The Planning Act, composed of municipal planning and building officials and professional architects would provide such an opportunity. The purpose of such a committee would be to consider the relationship between particular buildings and the spaces between buildings and to ensure that an individual building fits into the character and overall planning objective of the municipality. For example, a planning objective for an area might incorporate such features as pedestrian ways or more roadways. The arbitrary location and establishment of buildings without regard to such plans would retard and perhaps prevent realization of this objective.

In general it has been found that where an opportunity is provided for discussion between planning officials and developers at an early stage it is possible to work out plans to the mutual advantage of the municipality and the developer. If a suitable procedure of architectural review could be devised that would emphasize the aforementioned features but without placing arbitrary restrictions on the talents of designers, such a committee would not be opposed by those who expressed opposition to the City's application for similar legislation at the last Session of the Legislature. X

IV THE LOCAL IMPROVEMENT ACT

15. Local improvements are initiated by Council or by petition from the owners affected and the cost is assessed against land which is to benefit from the work.

Frequently one of the owners has expressed a willingness to directly assume part of the cost assessed against the other owners who would otherwise object to the project because of the expense involved. Section 21 of the

Act prevents the other owners from receiving the full benefit of the extra contribution by directing that it shall be deducted from the total cost and that the balance is to be deemed the actual cost of the work for all purposes.

Section 21 should be amended to provide that the extra contribution should reduce that portion of the cost to be assessed against the owners only and should not reduce the portion to be borne by the Corporation.

V THE PUBLIC PARKS ACT

16. This Act authorizes a municipality to establish parks and to regulate and control the use thereof. In many parks in Toronto concessions are leased to provide for various kinds of services and amusements to the public.

Section 11 of the Act prohibits street railways and other railways from entering upon or passing through a park. The Act should be changed so that it will be clear that this prohibition does not extend to miniature railways in parks established as a licensed concession nor to street car service or other public transportation into park grounds to provide access to parks for the public.

The authority which allows the leasing of a concession to sell refreshments should be amended so that it will be clear that a municipality is empowered to erect buildings in public parks which may be leased for use as restaurants in which full course meals may be served.

Vandalism in City parks is increasing and results in thousands of dollars damage to public property each year. The maximum penalty of $20 which may be imposed for violating the provisions of the Act is no longer an adequate deterrent and should be raised to an amount, say $1,000, which will reflect the serious nature of such offences. The Act should permit a municipality to

recover damages from the parents of juveniles who have damaged public property in the parks.

VI ADDENDUM RE ASSESSMENT ACT

17. Proposed unearned increment tax.

The Assessment Commissioner has advised that there are a great many cases where property is held and used for a purpose which permits only a low assessment rating, e.g., residential purposes, and as a result of development of the area is later sold for a price which is appropriate to a valuation for commercial or other higher price purposes. Under these circumstances it is submitted that authority should be given to levy a tax, for a given period, on the difference between the assessment for residential purposes and the amount for which it would have been assessed if used for the purpose for which it was ultimately sold.

All of which is respectfully submitted on behalf of

THE CORPORATION OF THE CITY OF TORONTO

Mayor

City Clerk.

City Hall,
Toronto.
June 14, 1962.

Report of City Clerk to Committee on Public Welfare, Fire and Legislation dated November 6, 1961.

Your Committee at its meeting held on October 12, 1961, requested me to report on the proposal to base the qualification for voting at Municipal elections on residency with the provision for non-resident owners and tenants and the spouse of non-resident owners to vote once only in the City where qualified to vote.

Under this proposal a person to be entitled to be entered on the Voters' List to vote at Municipal elections would require to be:

(a) of the full age of twenty-one years;

(b) a British Subject by birth or naturalization (all Canadian citizens are British Subjects);

(c) a resident of the municipality and has resided in the municipality for three months next preceding the day of polling and is a resident of the municipality on polling day, or rated to the amount of $400.00 on the last revised assessment roll of the municipality for property held in his or her own right as owner or tenant or the spouse of the person so rated as owner; and

(d) not disqualified under any Act or otherwise by law prohibited from voting.

I would recommend that the definition of "Residence" contained in The Election Act, Province of Ontario, be also used to define residency for Municipal election purposes as follows:

"'Residence', and similar expressions used in relation to a person, means his true, fixed, permanent home or lodging place to which whenever he is absent he has the intention of returning, subject to the following rules:

1. The place where a person's family resides shall be deemed to be his residence unless he takes up or continues his residence at some other place with the intention of remaining there, in which case he shall be deemed to be a resident of such other place.

2. The place where a single person occupies a room or part of a room as a regular lodger or to which he habitually returns, not having any other permanent lodging place, shall be deemed to be his residence.

3. No person shall be deemed to be ordinarily resident in quarters or premises that are generally occupied only during some or all of the months of May to October and generally remain unoccupied during some or all of the months of November to April, unless,

(a) he is occupying such quarters in the course of and in the pursuit of his ordinary gainful occupation, or

(b) he has no quarters in any other electoral district to which he might at will remove."

Qualification for voting on money by-laws would remain as at present except that voters would be restricted to voting once only in the City on such by-laws. At the present time owners, tenants whose lease extends for the time for which the debt is to be created, etc. and the nominee of a Corporation assessed upon the last revised assessment roll as owner or lessee of property are entitled to vote on money by-laws.

Under the proposed procedure required to be set up for the preparation of the Voters' List, the assessment rolls would be prepared by the Metropolitan Assessment Department as at present and in addition that Department would also be required to prepare a supplementary list containing the names of all the residents of each property not entered on the assessment rolls who would be entitled to vote at Municipal elections. The assessor, after making the necessary enquiry, would note opposite the names of those entered on the supplementary list whether the person was a public or separate school supporter. It will be necessary to communicate with non-resident owners who own property in more than one Ward in the City to ascertain where they desire to vote. For this purpose it will be essential that the residence of every person entered on the assessment roll be accurately recorded. The address of owners and tenants who do not reside on the property but live elsewhere in the City would be required to check back in order to make sure that the names of such persons are not duplicated on the List. If necessary legislation amending The Assessment Act should be obtained for this purpose.

Following the return of the assessment rolls and the supplementary lists, the Voters' List for each Ward would be prepared by the City Clerk. This List would be prepared in numerical street order and the names of all those shown to be entitled to vote by both the assessment rolls and the supplementary lists prepared by the assessor would be contained in one municipal Voters' List. Tenants and owners shown to be separate school supporters by the assessment roll and residents on the supplementary list prepared by the assessor shown to be separate school supporters would be designated on the Voters' List by placing the letter "S" opposite their names.

In cases where a non-resident person owns property in different wards or is a tenant of property in different wards of the City, such person would be requested to notify the Clerk where he or she desires to vote. In cases where such persons neglect to notify the Clerk, the Clerk would be empowered to use his own discretion in determining in which ward the voter would be included on the Voters' List. Proper records would be maintained by the Clerk in order that electors upon enquiry could ascertain where they were included on the Voters' List and all such persons arbitrarily included on the List by the Clerk would be notified and be given the opportunity to change the location where they were placed on the List during the period of revising the Voters' List.

To provide for the possibility of a money by-law or money question being submitted to a vote of the electors it would be necessary to indicate on the List the voters qualified to vote for same.

The letter "O" would be included on the List opposite the name of all persons shown by the assessment roll to be owners of property in the city.

For the convenience and information of the candidates, an asterisk or other mark could be placed opposite the name of all non-residents included on the Voters' List.

The completed Voters' List would be officially posted early in October and forthwith after the preparation and reproduction of the List, the Clerk would post up and distribute the List as at present. The List would be posted up in each polling sub-division throughout the city and appropriate notices would be inserted in the daily newspapers calling upon persons who are aware of errors or omissions in the List or any changes that should be made in the List to give notice of same.

Following the posting of the List, the Voters' List will be revised and procedure similar to that as at present, with some variation, would be followed for that purpose. At present when a person applies to have his name added to the Voters' List, it is not the practice to strike the name of such person off the List if he or she is qualified to vote at an address in another ward of the City. In view of the fact that a person making application to have his name entered on the Voters' List may be assessed as tenant or owner elsewhere in the City and the matter of liability for taxes must be taken into consideration, there is some doubt as to whether or not the name of the voter should be removed from the List in respect to property where he or she has already been assessed. I would recommend under the proposed system that all persons who apply

to have their names added to the List during the period the List is up for revision, be required to state in their application their former address in order that the duplication of names may be eliminated insofar as possible. The supplementary Voters' List showing all the changes made as a result of the revision of the List would be prepared and produced as at present.

At the present time it is the practice to notify all persons named on the Voters' List and the supplementary List by postcard prior to Election Day, of the location of the polling place where they are entitled to vote on Election Day. It is proposed that the practice of mailing postcards to electors be continued under the new system.

May 30, 1961 [22]

W. J. BRECKENRIDGE, Clerk & Treasurer

TELEPHONE 9033

TOWNSHIP OF ASPHODEL

Council Meets First Monday of Each Month at 1 p.m.

R. R. 3, HASTINGS, ONT. May ~~1st~~ 26th 1961

Mr. Hollis Beckett,

Chairman of

Select Committee on Municipal Act.

and related acts.

At the May 1st Meeting of the Asphodel Township Council the following resolution was passed.

Moved by Stevenson seconded by Metcalfe-

Whereas it is the opinion of this Council that ~~Retail~~ stores in smaller Municipalities are finding it extremeley hard to survive under present business competition and for the purpose of business assessment, subsection 1 of Section 9 of the assessment act should be revised to read, every person carrying on a business of a ~~retail~~ merchant in Municipalities with a population of less than 10,000 be assessed at 20% of the total assessed value of their property instead of the present rate of 35%.

Our Council would ask that your Committee give consideration to the foregoing submission at one of your future meetings.

W J Breckenridge

Asphodel Township Clerk.

Aug 28, 1961
-23

Harlowe Ont.
Aug. 24 1961

Mr. Mollis E Beckett, Q.C.,M.P.P.
Room 377 Parliament Bldgs.,
Toronto5 Ont.

Re, Bon Echo Parks Property,
Township of Barrie, County of Frontenac

Dear Sir,

In reply to your letter which I have received, The Bon Echo Parks land was formerly owned by Merrill Dennison and is patented land and is now owned by ~~xxx~~ the Department of Lands & Forests. There is approximately 2000 acres now reserved as park which is patented land.

Council feel the Parks situation has changed in the past few years and this has now become a business proposition in Competition with the tourist trade and the Act which exempts such parks from taxes or grants in lieu of taxes should be changed.

There should be some way for the Townships concerned to receive revenue from this land.

Our Township is small and needs the revenue from this land.

Trusting you will give this your attention, I remain

Yours truly

Ralph O. Thompson

Clerk-Treas. Twp Barrie

Harlowe Ont.

THE CHAIRMAN: SELECT COMMITTEE MUNICIPAL ACT AND RELATED ACTS

Submitted by the Corporation of the Township of Derby

.....

1. That there be some right of appeal from Municipal Board decisions on annexation proceedings. It is the feeling of this Council that any decision affecting the lives of rate-payers to such an extent as the changing of the local government under which they are to live should be subject to the right of appeal.

2. That a vote of the rate-payers affected must be taken in the area affeeted before any decision could be made on any annexation proceedings. The vote would not be the sole factor considered in the decision but would be one of the major points on which the decision would be made.

Respectfully submitted,

Elwood Thorne

THE CORPORATION OF THE TOWNSHIP OF DERBY
IN THE COUNTY OF GREY

Copy

Derby Municipal Council

June 7, 1961.

Meeting No. 6 Date June 3 1961

Moved by Robertson

Seconded by Holding

That we advise the select committee on the Municipal Act and related Acts that the Council of the Twp. of Derby is of the opinion that the present procedure with regards to annexation does not provide sufficient opportunity for municipalities to properly present their respective cases. Probably access to a higher court would be an answer to this problem.

H. Wilkinson, Clerk R.R.5. Tara, Ont. | Passed. E. Moore Reeve

6

BRIEF TO THE SELECT COMMITTEE ON THE MUNICIPAL ACT AND RELATED ACTS IN SUPPORT OF RESOLUTIONS PASSED BY THE COUNCIL OF THE TOWNSHIP OF EAST YORK, TOGETHER WITH SUGGESTIONS MADE BY ASSOCIATED BODIES AT THE INVITATION OF THE COUNCIL, AND CONTAINING CERTAIN PERSONAL OBSERVATIONS OF THE REEVE AS A MEMBER OF THE METROPOLITAN TORONTO COUNCIL.

CONTENTS

1. THE METROPOLITAN TORONTO ACT

A. General Statement

The Township of East York believes that the Metropolitan set-up has justified itself by its achievements, and should be regarded as permanent. Any change in the general organizational set-up of Metropolitan Toronto should arise only after a careful study, perhaps by the Metropolitan Planning Department, similar to that of the Royal Commission on Local Government in Greater London 1957-60 (cited hereafter as the London Report). Such a study should establish desirable minimum and maximum local areas and populations with a view both to efficient operation at that level and manageable size in the metropolitan council. It should set a flexible pattern which would provide for progressive, equitable and practical adjustments in boundaries and representation.

Such a study might profitably also set down criteria for distinction between local and metropolitan responsibilities, especially in shared fields. However, to maintain local interest, knowledge and responsibility as we know them in Ontario, the Township of East York believes that metropolitan powers should be kept to a minimum and that there should be no addition to such powers unless the need is proved beyond doubt.

As an alternative to an intra-mural study by Metropolitan Toronto, the province might consider a general study of two-level municipal government both in metropolitan counties (for such they are in essence) and normal urban-rural counties. There is much support (1) for such a study, and the establishment of general ground rules within which municipal governments should operate is perhaps the responsibility as well as the prerogative of the province.

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(1) This view is supported on pages 15 and 16 of the Report of the President of the Annual Conference of the Association of Ontario Mayors and Reeves recently held in Port Arthur. Mr. Swart said:

> "Decisions should be made on how our future growth should be shaped.....whether cities such as Hamilton and Toronto should ultimately grow together...whether there is an optimum size for urban centres.....I strongly recommend that the Ontario Government appoint a special committee to make...in consultation with the municipal organizations... a study and report with recommended methods of implementing the decisions".

The same point was hinted at by Reeve Norman Goodhead of North York when he told a Star staff writer that it was "time the Ontario Government stopped spelling out specifics in the statutes and began to generalize by determing the type of local municipality it wants".

The Ontario Municipal Association meeting in Windsor in 1961 asked the province to launch a study directed towards the reorganization of counties and a review and revision of the functions which are now the responsibility of county councils.

B. Historical Background

It would appear that the urbanized communities which were established in the early 1920's in that part of York Township immediately adjacent to the City of Toronto were sparked, in part at least, by resentment of the City's policy of piecemeal annexation.(2) Certainly in 1926 both the new township of East York and the pared, consolidated township of York secured legislation to prevent any further annexation.(3)

These differences over boundary annexations represent survivals of the old feudal concept of royal or governmental proprietorship as distinct from rational planning in the interests of all concerned. Even to-day we hear talk of "stealing our property", etc. Municipalities are organized by a higher level of government to enable small local groups to work together efficiently for the attainment of local aims. Planning has rendered the proprietorial approach obsolete, but in its day it has caused much bitterness.

"The first settlers of East York were of British stock", says an old resident. "They came to what were then the wide open spaces, determined to make a go of it. It was not easy. They built their own homes brick by brick as they earned sufficient money to buy bricks. Many of us who are old enough to remember, have seen these days pass, not without some sadness. The descendants of those original pioneers, many of whom are still living in East York, have every reason to be proud of their ancestors".

East York's Planning Director, appointed in 1959, was immediately struck by what he termed as "fierce community pride".(5) Perhaps the very hardships the township suffered during the depression helped to develop this pride, as patriotism is sometimes developed to an astonishing level in hard northern countries.

Added to this is the fact that very large community settlements were made following each of the two world wars. Three branches of the Canadian Legion are located in the township and play an active part in township life.

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(2) The irregular and irrational southern boundaries of the present townships of York and East York are one result of this process. Schools such as Kitchener (now part of the Teachers' College property) and Gledhill, and parks such as Dentonia Playing Fields were acquired outside the city boundaries to serve what must have been expected to be an ever-expanding city. Gledhill school straddles the present boundary.

(3) Statutes of Ontario, 1926, Chapter 106.

(4) Brochure prepared in 1958 to accompany the township's Master Plan, and published in 1959.

(5) The Brief of the Township of East York to the Ontario Municipal Board in 1950 against the Amalgamation Proposals of the City of Toronto (hereafter cited as, 1950 Brief, E.Y.) says:

> "In an attempt to avoid bankruptcy, when the depression of the '30's was commencing, we, at that time, urged upon the City the Amalgamation of our municipalities and we all recall what short shift, being 'poor relations', we received then. There was no desire on the part of the City, when amalgamation would have benefitted us, to worry about the financial straits of the suburbs".

(5) "The fact that East York was under supervision was a blow to our civic pride, but we in common with other municipalities have profited from that adversity. We always have it in mind that our ratepayers must provide the money we require for civic purposes. They cannot afford either waste or extravagance. Before we undertake any expenditure we must be satisfied firstly that it is reasonably necessary and secondly that it is reasonably within the capacity of our ratepayers to pay. East York has planned and sacrificed for a period of 25 years".

The British bulldog, long recognized as the township crest, is appropriate to many aspects of its character.

The independence of East York has been fostered by the massive involvement in government of citizen volunteers from a network of Ratepayer Associations, Home and School Associations, service clubs, recreational associations, etc. By 1950 the Township was in a pretty sound financial position, and by history, character and social organization was determinedly opposed to total amalgamation.(6)

Nevertheless, it has loyally accepted the Municipality of Metropolitan Toronto Act, and has sought no special concessions or protections thereunder. There has never been a time when its population was not above the average which supported a representative from the City of Toronto or, indeed, the Metro average. It has enjoyed no especially favourable assessment situation which it has sought to preserve; its tax rate is usually third or fourth highest in the area. It is the only area municipality of any size which has never had a member on the Metropolitan Executive. Although the township's failure to dedicate its two major parks, Todmorden and Woodbine, gave them to Metro under Bill 80 along with adjacent works properties, East York has since freely turned over a very large acreage to the Conservation Authority including some $100,000 worth of land which it had bought within the last ten years, and for part of which it was still paying in 1961.

At the same time East York has consistently opposed any extension of Metro powers. We recognize the pros as well as the cons of such takeovers as police and licensing. We can see that the net result to the whole area may have been good. Certainly we cannot speak highly enough of local police officials. Still, we must regret the loss of a police presence intimately acquainted with our own entire community and permanently and closely associated with other departments of local government. In this township per se, we feel that the loss has outweighed the gain.

We recognize that we are a part of a large metropolitan area and must profit indirectly from any improvement of the total area, but we are bound to scrutinize any proposed extension of powers in the light of local needs also.

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(6) 1950 Brief, East York.

Throughout the present Reeve's term of office the East York Council has been kept fully informed of the position she has taken in the Metropolitan Council. Local ratepayer organizations, of which there are fourteen with a federated executive, have also been advised. There have been a number of public debates on the Metro set-up where township opinion has appeared to be overwhelmingly against any plan which would involve loss of local identity whether by total amalgamation or by a 4-city or 5-city plan.

We have a new plan and zoning by-law with a long term programme to develop and improve our township. We have worked out our educational and recreational systems along different lines from those followed in the City of Toronto, but we consider them second to none. We are beginning to enjoy the amenities we did without for so long. Despite some obvious geographical and economic disadvantages we feel we are large enough and stable enough to claim the right to survive.

Accordingly, in October, 1961, when the Reeve informed Council that the Metropolitan Council would be discussing amalgamation in all its phases on the following day, and asked for suggestions in this regard, it was moved by Mr. N. Maughan and seconded by Mr. J. A. McConaghy that this Council goes on record as being opposed to total amalgamation or the suggested five-city plan, and will continue to support the present system of Metropolitan government, which was carried unanimously.(7)

The East York Council continued to study the Metro set-up, taking into account not only the Phillips amalgamation proposal, the Gardiner Five-City Plan(8) and the Gathercole Four-City Plan(9) but also the Rotenberg and Campbell suggestions for Seven or Eight Cities. We also followed closely, and usually with approval, the steps taken by our neighbours to voice their opinions, and particularly to study possible local amalgamations which would facilitate revision of the present inequitable basis of representation.

In this latter connection we made informal tentative proposals to Leaside regarding an amalgamation. In spite of Leaside's wealth we felt that its small population might not permanently justify a separate representative on the Metro Council but that between us, by analogy with Toronto's wards, we might be entitled to two, one of whom could continue to represent Leaside on any one of several possible bases. Leaside was not interested at the time but the offer is still open.

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(7) East York Minutes, 1961, page 168, item 442.

(8) Mr. F. G. Gardiner's Report of August 24th to the Special Committee of the Metropolitan Council on Metropolitan Affairs, hereafter cited as the Gardiner Report.

(9) A Report on the Metropolitan System of Government by the Ontario Department of Economics November, 1961, hereafter cited as the Gathercole Report.

Meanwhile, the East York Council became increasingly convinced that the problems involved in the Metro set-up were being approached from the wrong angle.

There was, for example, a continual emphasis on the protection of financial interests,(10) which is surely unusual in discussing a basis of representation, and smacks of Britain's old "rotten boroughs".

Instead of trying out various possible political expedients to satisfy competing interests it seemed that there was need for a study similar to the London Report cited above. A cursory examination of material suggested that a large planning department could successfully undertake such a study, but that we ourselves did not have the facilities to undertake it.

However, at a meeting of the East York Council(11) on July 9, 1962, it was agreed that East York should make a fairly searching examination of its own structure, size, etc., in relation to such a possible study, attempting in the process to establish criteria which might have a wider applicability. On August 7, 1962, the Reeve, Clerk and Planning Director were empowered(12) to discuss the matter with Murray V. Jones & Associates, who have agreed to undertake the study. The name of the firm and the suggested terms were not noted in the minutes for obvious reasons. In view of the eminence and experience of the consultant and the approximation of East York to the Toronto and Metro averages in size and population per representative, we hope that the findings of this study may be available before decisions are reached in this field even though the time for formal submissions will have passed.(13)

C. Defects of Current Suggestions

(a) The following points have been raised against amalgamation and the Four and Five-City Plans alike:(14)

1. They have failed to determine the optimum size for a unit of local government.(15)

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(10) Gardiner Report, page 19, line 11; page 25, line 14;
Gathercole Report, page 13, line 28;
Metropolitan Toronto Council Minutes, 1961, page 2700, line 3.

(11) East York Minutes, 1962, page 114, item 243.

(12) East York Minutes, 1962, page 136, item 289.

(13) The report should be ready in October.

(14) There is no attempt here to discuss the Gathercole Report or a "Report by the Committee of Metropolitan Department Heads on Metropolitan Affairs, October 18, 1961. No firm conclusions can be drawn from the latter and the figures from the former were pretty well torn to pieces in the Metropolitan Council.

(15) London Report, page 193, suggests 100,000 to 250,000, retaining or amalgamating existing units as far as possible with a little elasticity at each end of the population scale. Professor C. Rowat in "Your Local Government" (Macmillan, 1955) page 133, suggests 30,000 to 40,000 as a minimum. He does not indicate a maximum but the tenor of his argument suggests that he believes the minimum is close to the maximum. Abolition of small municipalities, he says, "would involve snuffing out the flame of self-government and community spirit". Although larger units of government can hire larger technical staffs, there is no proof that they operate more economically or are more effective in satisfying the needs and wishes of the taxpayers.

2. They have ignored the strength of community feeling, the contribution it can make to good government, and the importance for mental health of a sense of belonging.

3. Very large municipalities lead to very large councils with full time executives or boards of control, and the consequent restriction of knowledge and participation by a majority of members.

4. They falsely assume that size is identical with efficiency.(16)

5. They ignore the trend towards decentralization and departmentalization of large administrative units in the interests of greater efficiency.

6. They ignore the evils "inherent in the overcentralized administration of huge enterprise, because it ignores the nature of man".(17) "Centralization is a threat to the free spirit everywhere".(18) "A man wants to feel that he is important...not only to express his opinion freely, but to know that it carries some weight".(19)

7. They ignore the right of men to have a share in deciding their own destiny.(20)

(b) A major objection to total amalgamation lies in the still predominantly rural character of large sections of the outer suburbs.

If Bill 80 had not frozen the suburbs it is probable that by this time West Hill, Agincourt, Don Mills and Willowdale might have been independent communities as instinct with community pride and as flourishing as any in Metro.

For this natural growth of urbanization to a point where areas are ripe for annexation or independent incorporation, Metro substituted a status quo which has presented many problems. Powerful developers could spot-develop wherever it was economically profitable for them to do so and demand Metro services. The provision of such services is an important factor in the present dilemma of the Toronto Transit Commission. Under total amalgamation, people who had moved to the suburbs to get cheaper or larger lots would at once demand and doubtless get libraries, swimming pools, skating arenas, sidewalks, twice-a-week garbage collection, and many other services for which they would have waited a long time if they had had to get them at their own expense under incorporation or by the orderly extension of urban annexation.

(16) Discussing efficiency of public administration in "The Civil Service of Canada" (Oxford Press, 1929, pp. 220-23, the late Robert MacGregor Dawson spoke of "the movement, always present in any large-scale organization, towards lower administrative efficiency". Herbert A. Simon discussing "Proverbs of Administration" in Rowat's Administration shows how efficient limitation of the span of control in large administrations increases to an inefficient degree the number of organizational levels through which a matter must pass before it is acted upon, while efficient limitation of the number of levels increases the span of control beyond practical limits.

(17) David E. Lilienthal in Rowat's Administration, page 421.

(18) I bid. page 425.

(19) I bid. page 426.

(20) The Davidson Plan submitted to the Metro Council on January 23rd, 1962 (page 45, item 72), and still tabled there, provided for a pattern within which municipalities would be allowed to negotiate their own realignments and was carefully tailored to allow as many as possible of the smaller municipalities to bring an extra representative to the larger areas they joined and thus dicker for separate ward status, or some other appropriate concession. It is not submitted herewith because population changes since that date suggest it should be revised before being reconsidered.

(c) An additional major objection to the Four and Five-City Plans is that they are static. They make no provision for a periodic reassessment to give scope to increasing rural and urban contrasts in monolithic areas like Scarboro and North York. They make no provision for future relations with the municipalities beyond the present metropolitan set-up.

D. Division of powers

The consensus of opinion in East York Council is that there should be no redistribution of powers without careful thought. In the course of her work in Metro, the Reeve has given some consideration to the following subjects:

Education, Welfare, Parking and the Toronto Transit Commission.

There has been no opportunity for detailed discussions of these topics and these comments must therefore be regarded as personal.

1. Education. Since the operations of the Metropolitan School Board are carried on under the jurisdiction of the Department of Education, any presentation here seems to be out of order. It should, however, be noted that in the opinion of many ratepayers metropolitanization has encouraged extravagant building programmes without cutting competition for teachers who, unlike other municipal employees, are highly mobile. High educational costs are a factor in the reluctance of the outer suburbs where land is most readily available to encourage low cost housing projects. Some method of joint budgeting for both capital and current costs, both locally and at the metropolitan level, might be worth trying to work out. There might even be joint operation of school libraries and recreational facilities, both indoor and outdoor, at a considerable saving to the taxpayers.

2. Welfare. Like education costs, welfare costs are a subject of very acrimonious discussion in the Metropolitan Council. The unconditional grants which the City of Toronto still regards as welfare grants might be distributed on the basis of population rather than on the basis of residential assessment. However, a recent report on the assumption of basic welfare costs by the Municipality of Metropolitan Toronto which the Select Committee doubtless has, or could have, before it, gives a full report on welfare problems.(21)

3. Parking and Transportation. There can be no rational planning of a public transportation system without inclusion of public parking. This involves assumption of this responsibility by the Metropolitan Corporation.(22) Obviously, the Metropolitan Council should assume the total planning

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(21) Requested in Davidson motion of January 23, 1962, Metro Council Minutes, pages 45 to 47.
(22) See motion, above cited.

function for both parking and transportation if it is to assume both capital costs and current deficits of the Toronto Transit Commission.(23) Rapid transit planning with which Metropolitan Council is already deeply involved is useless without planning of feeder lines, and both should be related to road planning together with any other means of transportation.

This would not necessarily do away with the Commission, though it might lead to a consolidation of planning and engineering staffs. It would not take the T.T.C. improperly into politics but would permit open discussion of plans which are going to involve the taxpayers in millions of dollars of annual expenditure and which they have a right to hear discussed openly.

11. THE PLANNING ACT

1. The intention of planning should be clarified.(24) The word "planning" suggests an act of will--a community decision as to its ideals for itself and how they can be attained. It seems to be turning into a statistical study of probabilities, which ignores the "unpredictable factor" stressed by Toynbee in his Study of History.

Perhaps planners could be of more service to their communities if they did less research and gave elected and appointed officials more assistance in weighing the pros and cons and the timing of major developments, advising on capital programmes so as to get the most orderly and well-balanced development.

2. The relations of planning boards and councils should be clarified and strengthened.

3. It should be possible to set reasonable terminal dates for the continuance of legal non-conforming uses.

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(23) This point of view was ably presented in a recent editorial in the Globe and Mail headed "Let the Province Act":

> "Metropolitan Toronto Council this week voted to ask for Provincial permission to subsidize the Toronto Transit Commission, but stubbornly declined to seek at the same time to have the Commission abolished and the transit system made a direct responsibility of Metro. The Councillors--or at least the 13 who voted in favour of the proposal--are prepared to tax Metro citizens to support the T.T.C., but they refuse to accept the possibly unpopular responsibility for the spending of the tax money they extract.
>
> "It must therefore devolve upon the Ontario Government to correct the situation. The Province created the curious relationship between Metro and the T.T.C. when it created Metro. At that time the T.T.C. was self-supporting and could justify some claim to autonomy. It is no longer self-supporting, and can no longer be autonomous.
>
> "Metro Council, by trying to preserve the fiction of T.T.C. autonomy, is merely trying to evade responsibility for spending taxes it proposes to raise. The Province should not permit such evasion. If Metro Council will not assume its proper responsibility to its electors, the Provincial Government should amend existing legislation to compel it to do so, by making the T.T.C. a department of Metro, reporting directly to the elected representatives of the people who pay the taxes to keep it running".

(24) The brief of the Central Ontario Chapter of the Town Planning Institute of Canada is understood to have covered this point from a slightly different angle.

4. Expiration dates for building permits and special by-laws should be legalized.(25) The Planning Act, Part III, Sec. 30, (7) (b), line ten might be altered to read "permit was issued and such building or".

5. It should be possible to prohibit alteration of levels(26) by more than a fixed height or angle and over more than a certain area, especially where such changes frustrate accepted plans of the municipality or allied bodies such as a parks board or conservation authority.

6. Councils should have more power over the appearance of buildings, being allowed to demand architectural standards, signs of a certain standard, etc., where appropriate.

7. The Government might appropriately consider legalizing some form of development control.(27)

8. Planning boards should have authority to recommend and councils to enact a minimum square footage of house space per person in residential areas to prevent overcrowding with its frequently bad effect on the general level of the neighbourhood.

111. THE LIQUOR LICENCE ACT

Several municipalities in Metropolitan Toronto are at present confronting formidable difficulties in arranging plebiscites under Section 72 of the above Act. Such a plebiscite cost the Township of Etobicoke some $200 a poll, a serious matter. Many municipalities would prefer holding such plebiscites along with their civic elections but find this too confusing in view of conflicting regulations.

If the plebiscite is intended to give the people an opportunity to express their will and not to interpose as many obstacles as possible between them and such an opportunity, the committee may wish to consider the following alternative solutions:

(a) If this is a local matter in name only and casual residents without any stake in the community are allowed to vote, it is suggested that it should be the responsibility of the province to operate the plebiscite and pay for it.

(b) If the permanent residents of the community are to determine this matter on the basis of good planning, then municipal voters' lists should be used and the hours and provisions of voting should be identical with those used at municipal elections. This would bring the plebiscite more readily within the financial reach of a community and make it easier for the municipal officials to operate. It is

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(25) For example, East York's Master Plan and Comprehensive Zoning By-law had to allow for an undesirable development because of a by-law passed 9 years earlier, though no use had been made of it, and the community had developed along different lines.

(26) A North York developer recently pushed fill over a bank into an area where the Metro Conservation Authority planned a reservoir and then demanded a building permit. The same thing happened in an area west of the Bayview Extension except that in the latter case only general conservation was involved.

(27) An Introduction to Zoning, Enabling, Legislation, by J. B. Milner, The Canadian Bar Review, March, 1962, pages 50 ff.

hard to see why a question on cocktail lounges would be less appropriate on a municipal ballot than one on fluoridation of water or Sunday sports.

IV. THE ASSESSMENT ACT

The East York Council was responsible for a resolution forwarded by the Association of Ontario Mayors and Reeves asking for cessation of tax rebates on unoccupied rental accommodation. This encouragement seems no longer necessary and presents serious problems for municipalities. All other business assessment is on the basis of the space available and not of the business done in it.

In discussions among municipal officials, elected and appointed, there is a strong feeling that there should be a closer liaison between assessment and planning. Perhaps there might be some sort of penalty for vacant land in built-up areas in excess of appropriate side yards to encourage maximum development. Although one farmer's sale of his property to a subdivider should not necessarily change his neighbour's farm assessment, as indeed a recent judicial decision has determined it shall not, should not assessments rise steeply after a rezoning of an area has indicated that the time for more intensive development has come? This would discourage the holding of land for speculation.

A special assessment might be considered for "speculative" property which could be defined to include not only land being kept vacant beyond the time when development would be natural and appropriate but also rented buildings on which a certain percentage of the value was not being spent for maintenance and repairs.

V. GENERAL WELFARE ASSISTANCE ACT

This and allied acts were the subject of a resolution forwarded by the Township of East York through the Association of Ontario Mayors and Reeves to the Department of Municipal Affairs as follows:

WHEREAS large sums are now spent on mental illness, juvenile delinquency, crime and measures to deal with broken homes, neglect of children, non support, etc.,

AND WHEREAS many experts in this field believe that with proper staffs and facilities preventive agencies would be able to forestall many of these expenditures,

AND WHEREAS both the organizational and the financial responsibility for welfare are at present divided between various levels of government and voluntary agencies depending on varying combinations of public taxation and private donations,

AND WHEREAS professional social workers and public officials elected or appointed, must co-operate if we are to have any comprehensive and properly co-ordinated scheme for the prevention and control of the social ills mentioned above,

BE IT RESOLVED that the Association of Ontario Mayors and Reeves instructs the incoming executive to give leadership in setting up a committee which would include representatives of the Ontario Welfare Council, the Ontario Welfare Officers' Association, the Ontario Association of of Children's Aid Societies and the Ontario Municipal Association in general, together with representatives of any other appropriate provincial bodies and representatives of the Provincial Departments of Health, Welfare and Reform Institutions, to study this question and bring in full reports to the 1963 meetings of the various co-operating organizations with a view to making strong and effective representations to the appropriate levels of government and to such local authorities as municipal councils, United Appeal organizations, etc.

There would appear to be room for a better understanding between social workers and voluntary agencies, so-called, and municipal welfare departments. They often seem, like the blind men of Hindustan, to be examining different parts of the anatomy of the one animal.

"Working for welfare" is a case in point. Municipal welfare officers think that if you are paying a man a half salary you should try to find him a useful half-time job which he can do in return, even if it is the provision of a service which you would not ordinarily feel you could afford to provide. Social workers think this is penalizing the unemployed person by making him take a job he might not normally choose. This is a matter on which the Provincial premiers have already expressed themselves and we would reiterate our support for their stand.

Municipal welfare departments, police and family courts, and children's aid societies would seem also to be in need of better understanding and co-operation. Juvenile delinquency is assuming alarming proportions and is infinitely more dangerous to our society than Dutch elm disease or termite infestation, and yet much less guidance is available to local authorities as to how it can be combatted. Stricter laws governing parental responsibility for vandalism by minors would have an educational value in addition to the aid provided to victims. Punishment for terrorization of New Canadians by juveniles should be immediate and severe. Such are not matters which come under the jurisdiction but they are matters which give some concern to municipal authorities and on which they feel more study should be done.

VI. THE MUNICIPAL ACT

A. Requests of Council

On August 7th, 1962, the minutes of the East York Council include the following resolutions for the Select Committee on Municipal Legislation:

BE IT RESOLVED that this Council recommend to the Select Committee on Legislation that local municipalities be empowered to pass by-laws for the control of termites on private property; and that where an owner is unable or unwilling to effect their destruction, the Council may enter upon the premises and complete the work and charge the cost against the property with the municipal taxes.

WHEREAS the incidence of Dutch Elm Disease in the trees of the Province is alarming; and whereas local governments are aware of the need to effect control of this disease but are handicapped by the lack of adequate legislation to carry their programmes on to private property without which no programme on public property can be successful; therefore, BE IT RESOLVED that this Council petition the Select Committee on Legislation to consider introducing legislation similar to that contained in Section 473 (4) of The Municipal Act so that control may be effected over diseased trees on private property and assistance may be given in their removal.

The motive for these two requests is similar. Both deal with infestations of epidemic proportions which cannot possibly be dealt with by individuals. It might be most satisfactory if the clean up jobs were undertaken by the province, or at least made mandatory for municipalities, but for obvious reasons the East York request was limited to permissive legislation.

The second resolution is wordier than the first and does not specifically seek permission for costs to be charged on taxes. You may wish to consider providing alternative methods of payment including deferred payment on taxes and total or partial public assumption of costs.

B. Suggestion of the Reeve

Regarding the moot questions of ethical behaviour and conflict of interest, it is suggested that the joint repetition of a prayer based on an abbreviated and simplified form of the declaration of office be made mandatory at the beginning of every council meeting. A form somewhat as follows is suggested:

> Oh God in Whose Name we have sworn to discharge our duty to this community truly, faithfully and impartially, to the best of our knowledge and ability, be with us during this meeting so that our decisions may be free from any taint of personal pride, eagerness for power, or desire of private gain for ourselves or others, but rather that we may keep ever humbly and thoughtfully in mind the general welfare and service of this community which we have accepted as a sacred trust.

SUPPLEMENT

11. THE PLANNING ACT

Addition

In part 1, section 4, it is stipulated that the Head of the Council of a municipality be a member ex officio. It is suggested that this official be allowed to appoint a council member as alternate who could attend in his place when he is unable to be present. It is surely important for the chief executive to keep in touch with planning board work, and there may even be cases where he is the only, or principal, liaison between the council and planning board. Yet in the press of many engagements there may be meetings he will be obliged to miss. On such occasions he could discuss the agenda with his alternate and be briefed after the meeting.

V11. THE PUBLIC LIBRARIES ACT

New

A. It is suggested that Section 17 of the Public Libraries Act be amended to permit the appointment of more than four members in addition to the Reeve of a township, where such township has a population of a stated number.

Library Boards in urban townships such as those immediately surrounding the City of Toronto and other metropolitan centres conduct quite elaborate library programmes in which the board members themselves play perhaps a larger part than in a city system with a hierarchy of supervisors and specialists. In such communities also, the Reeve is not always available and if a member of the Library Board is sick or out of town, it is very difficult to conduct business. Members of the East York Library Board who are active in the Ontario and Canadian Associations say that other boards have expressed the same feeling that they would like to have a larger membership.

B. In connection with Sections 15 and 17, it is suggested that the reeve of a township and presumably the mayor of a city or town and the reeve of a village be permitted to designate an alternate if he finds it impossible to attend library board meetings. It is suggested that this need not be a permanent appointment by the reeve or mayor but could merely be a designation of an alternate who would attend to present the council's point of view and bring back the library board's point of view at such times as a chief executive could not be present.

May 26, 1961

THE CORPORATION OF
THE TOWNSHIP OF FALCONBRIDGE
FALCONBRIDGE, ONTARIO

May 24, 1961

Mrs. H. G. Rowan, Sect'y,
Select Committee on the
Municipal Act and Related Acts,
Room 377, Parliament Bldgs.,
TORONTO 5, Ontario

Dear Mrs. Rowan:

In reply to Mr. Beckett's letter of May 11th asking if we intended to submit a brief to his committee, would advise that the Municipal Council of the Township of Falconbridge will not be [illegible] formal brief, but I have been instructed to make the following suggestions, which we would ask you to place before the committee.

1. All Municipal Legislation should be under one Act, and should be called the Municipal Act and should include assessment, local improvements, etc. under appropriate headings and sections.

2. The Act should be written in terms that are easily read and interpreted by the laymen.

3. A sub-committee composed of a lawyer, a county clerk, a city clerk and a township clerk should be appointed on a full time basis to undertake the detailed work of modernizing, consolidating and simplifying the Municipal Act and Related Acts.

We feel that those persons directly involved in implementing the various Acts should be the best qualified to do this work. An assessor and engineer could be called in to assist in those portions of the Municipal Legislation with which they are concerned; more particularly, the assessment and local improvement portions.

We hope that these suggestions will be of some assistance to the Committee.

Yours very truly,

Harold Bondett

Harold Bondett,
Clerk-Treasurer

HB:vc

to be Read August 20, 1962

JAMES MacDONELL,
CLERK AND TREASURER

NORTH LANCASTER, ONTARIO
CANADA

August 16th 1962.

Mrs. H. G. Rowan, C. A.,
Secretary,
Select Committee on the Municipal Act,
Room 377, Parliament Buildings,
Toronto, Ont.

Dear Mrs. Rowan;-

RE: Line Fences Act.

We acknowledge with thanks receipt of your letter dated August 3rd.

We regret not being able to present our brief to the Select Committee, however we would appreciate a review of the Line Fences Act, especially Sub-section 1 of Section 6 (Time within which the work is to be done and Sub-section 1 of Section 9 (One month notice required) also Sub-section 1 of Section 9 and Chapter 110, Section 54, Sub-section 1 A - Division Courts Act, in addition to the sections mentioned in our letter dated September 18th 1961.

Yours very truly,

J. Macdonell

J. Macdonell - Clerk.

Sept. 22, 1961

JAMES MacDONELL,
CLERK AND ~~TREASURER~~

NORTH LANCASTER, ONTARIO
CANADA

September 19th, 1961.

Mrs. H. G. Rowan,
Secretary,
Select Committee on the Municipal Act,
Room 377 - Parliament Buildings,
Toronto, Ont.

Dear Mrs. Rowan;-

RE: Line Fences Act - Chapter 216.

We have considerable grief with the Line Fences Act and would be very grateful if the Select Committee would review this Act and recommend that Section 9 - Subsection 1 and 2, viz.,
(1) The party desiring to enforce the award shall serve upon the owner or occupant of the adjoining land a notice in writing requiring him to obey the award, and if it is not obeyed within one month after service of the notice may do the work that the award directs, and may immediately take proceedings to recover its value and costs from the owner by action in the division court of any division in which any part of the land affected by the award is situate.
(2) Instead of requiring execution to be issued upon the judgement so recovered, the party entitled to enforce the judgement may obtain a certificate from the clerk of the division court of the amount due for debt and costs in respect

JAMES MacDONELL
CLERK AND TREASURER

NORTH LANCASTER, ONTARIO
CANADA

of the judgement, and is entitled, upon lodging the certificate with the Clerk of the Municipality, to have the amount so certified placed on the collector's roll, and the amount may be collected in the same manner as taxes are collected and until so collected or otherwise paid[15] a charge upon the land liable for the payment thereof, and in such case execution shall not thereafter issue on the judgement, -
be replaced by the following -

At the expiration of the time limited by the award for the completion of the fence, two of the fenceviewers, selected by the Clerk of the municipality, shall inspect the fence and if they find the fence or any part thereof not completed in accordance with the award, they may let the work and supply of materials to the lowest bidder, within a time fixed by the fence viewers, but the letting shall not take place

(A) until notice in writing of the intended letting has been posted up for ten clear days in at least three conspicuous places in the neighbourhood of the place at which the work is to be done and advertised once in a local paper,

(B) until after ten days from the sending of the copies of the notice by registered mail to the last known address of the persons interested in the award who do not reside in the municipality.

.. If the fence viewers are satisfied of the good faith of any person failing in the performance of the award and there is good reason for the nonperformance thereof, they may, in their discreation and upon the payment of their fees and charges, extend the time for performace and if said fees and charges are not paid after notice, the Council shall pay the same on the certificate of the fence viewers and shall cause the amount with six percent added thereto to be placed on the collector's roll against the land of the person in default, to be collected in the same manner as municipal taxes.

J. MACDONELL
CLERK AND TREASURER

MUNICIPALITY OF THE TOWNSHIP OF LANCASTER
ONTARIO

NORTH LANCASTER, ONTARIO
CANADA

Sheet 3.

The fence viewers, within ten days after receipt of notice in writing of the supplying of material and completion of the work let, shall inspect the same and if they find the material furnished and the work completed, shall so certify in writing (Form 5 A) to the clerk of the municipality by which they were appointed and if default is made by any owner in repaying the amount for which he is liable, the amount with six percent added thereto forms a charge on his land and may be collected as municipal taxes and the Council shall cause the same to be placed on the collector's roll and to be so collected.

We apologise for plagiarizing the Ditches and Watercourses Act!

Yours very truly,

J. Macdonell

J. Macdonell - Clerk.

JAMES MACDONELL,
CLERK AND TREASURER

Form 5-

NORTH LANCASTER, ONTARIO
CANADA

Certificate of Fence Viewers

To.....

Clerk of the ..... of .....

We hereby certify that..... has furnished the material and completed the work which under the award made under the Line Fences Act and dated the..... day of ..... 19.....
..... owner of ..... Lot No..... Con..... was adjudged to perform and having failed in the performance of the same, it was subsequently let by us to ..... for the sum of $..... and as he has now completed the performance thereof he is entitled to be paid such amount.

We further certify that our fees and charges for services by reason of such failure to perform are $..... and the amount payable to the contractor and the fees and charges are chargeable on .....Lot.....Con.....under such Act, unless forwith paid.

Dated this ..... day of 19

Witness .... } Fence
.... } Viewers.

TOWNSHIP OF LOBO

To The Select Committee on The Municipal Act And Related Acts:

Gentlemen:

The Municipal Council of the Corporation of the Township of Lobo beg to respectfully submit as follows:

THAT WHEREAS large quantities of gravel are removed from some municipalities each year, leaving large pits that fill with brush after the gravel is removed and usually become worthless for all time; some fill with water to a depth that is dangerous and become a liability on the Municipality and in many cases are abondoned and no further taxes can be collected from them;

AND WHEREAS the Assessment Act does not provide for the levying of a tax on the gravel removed from these pits, we submit that another sub-section be added to section 16 of The Assessment Act to provide that an Assessor shall have access to company books and records in order that he might make an assessment so that a tax of not more than 1/2¢ per ton or yard on each ton or yard of gravel sold outside the Municipality could be collected; or that another section be added to the Assessment Act which would provide some means of collecting more taxes on the gravel that is being removed from the Municipality.

JAMES D. STEWART,
- Clerk.

J. C. SINKER,
- Reeve.

Nov. 8/61.

TOWNSHIP OF MELANCTHON

MRS. DELORES M. HANNON, MUNICIPAL CLERK

MELANCTHON, ...November 6, 1961.
R.R. 1

Mrs. H. G. Rowan, Secretary,
Select Committee on Municipal Act and Related Acts,
Room 377,
Parliament Buildings,
Toronto, Ontario.

Dear Madam:

The following is a resolution unanimously passed by the Council of the Township of Melancthon on November 4, 1961:

"Whereas it appears that the Municipal Act and the Public Schools Act are not in accordance with one another regarding the qualifications of councillors and school area trustees in the following instances:
(1) On a strict reading of the Municipal Act, Section 35(1), if a person owns or is assessed for two or more lots in a municipality with taxes paid in full on one lot and arrears of taxes on one or more of the other lots, he may qualify on the basis of the land upon which he has paid his taxes.
(2) On a strict reading of Section 18(3) and 40(a) of the Public Schools Act, if a resident ratepayer owned two lots with taxes paid up on one and taxes owing on the other, he could not qualify as a trustee. However, it would seem that only the taxes for school purposes would need to be paid.
(3) In the case of the nomination of a councillor, the current year's taxes need not be paid. Under the Public Schools Act, if the nomination meeting is held after the date on which taxes for the current year became due, it would appear that the current year's taxes (or at least that portion of them devoted to school purposes) and arrears (on the same basis) would have to be paid before a resident ratepayer could qualify for school area trustee.

And whereas, the Returning Officer must accept nominations for school area trustee at the Nomination meeting of the municipality;

And whereas, it would be more convenient for the Returning Officer and other officials to have these Acts in agreement with each other;

NORTH YORK COMMUNITY COUNCIL

Representing Community Organizations Across North York

President:

Henry J. D. Turman, C.A.

Corresponding Secretary:

(Mrs.) Jane Turman.

1st March, 1962.

Hollis E. Beckett, Esq., Q.C., M.P.P., Chairman,
and Members,
Select Committee of the Legislature on the Ontario Municipal Act,
372 Bay Street,
TORONTO 1, Ont.

Gentlemen:

This Community Council Association, the membership of which is comprised of representatives of civic organizations and ratepayers' associations in the Township of North York, respectfully submits the following to your Committee.

The question of conflict of interest in municipal councils and municipal boards in the Province of Ontario has given this Council Association a great deal of concern. Our Executive appointed a Committee which had a number of meetings on the subject and invited opinions from other members of our Association.

This Committee spent some time considering the submissions on conflict of interest submitted to your Committee by Kenneth Gariepy Esq., Councillor for Ward 3 in the Township of North York. This Association has concluded that it is prepared to adopt and to endorse Mr. Gariepy's brief regarding conflict of interest except for:

1. The penalty for failure to disclose interest, and
2. The provisions regarding restrictions on former employees of the municipality.

With regard to the penalty for failure to disclose interest, it is to be noted that Councillor Gariepy suggests that the maximum penalty be disqualification to sit for the member's term of office. The weakness in this approach in the opinion of this Council, is that it does not provide any penalty for failure to disclose an interest which may come to light after the member's term of office has expired. Accordingly, this Council recommends that the Municipal Act be amended to permit the recovery of any profits realized by a member of any municipal council or municipal board as a result of dealings with the municipality in which he has not disclosed his interest.

With regard to salaried employees of a municipality, Mr. Gariepy proposed certain restrictions on full time salaried employees after they left municipal employment. This Council is not prepared to endorse that portion of Mr. Gariepy's brief on the ground that the proposed restrictions would work a severe hardship on any civic employee who might seek employment in a business or profession after he left the municipality, and would be detrimental to his opportunity of earning a livelihood in private business. The net result could well be that talented and qualified persons would be deterred from seeking employment in municipal government. This we must all agree would be undesirable.

Yours very truly,

Henry J. D. Turman.

Sept 18, 1961

JAMES M. McCARTHY
Clerk-Treasurer
PHONE: 28 KEENE

TOWNSHIP OF OTONABEE

KEENE, ONTARIO

September 14th, 1961.

Select Committee on the Municipal
Act and Related Acts,
Room 377,
Parliament Buildings,
TORONTO 5, Ont.

Attention, The Secretary, Mrs. H.G.Rowan.

Gentlemen:

Further to yours of July 28th last; we are attaching herewith two copies of the statistics re assessment and taxation to cover 1961 on properties in this Township liable for Business Assessment.

I would very much like, at this time, to bring to the attention of your Committee that my own personal feelings are that Business tax should be disposed of quickly and entirely, and I can assure that this is also the feeling of the Council of this Municipality and has been the opinion of other Councils of late years. I know of cases where due to the Provincial Government's legislation forcing small Municipalities such as ours to levy Commercial taxes, as well as Business tax, we are forcing smaller businesses - neighborhood grocers and such - out of business through taxation; particularly duplicate taxation such as Business tax. This legislation was enacted many years ago and may have been deemed necessary at that time, but I think the time is long past when we should come up to date with much of this rather stupid legislation, such as Business tax.

Yours truly,

TOWNSHIP CLERK

JMM/T
ENC.

May 18, 1961

COLIN J. MACLEAN
TOWNSHIP CLERK

Township of Pittsburgh

R.R. No. 1
KINGSTON, ONTARIO

May 16, 1961.

Mr. Hollis Beckett, Q.C., M.P.P.,
Chairman,
Select Committee on the Municipal Act
and Related Acts.
Room 377,
Parliament Buildings,
Toronto 5, Ont.

Dear Mr. Beckett:

Re: Select Committee.

I have your general letter addressed to me under date of May 11, 1961.

The Planning Board and Township Council of Pittsburgh wishes to draw to your attention the situation where the registrar of deeds can register conveyances before any approval is sought for or obtained from the Planning Board.

I understand that a change has been made in the 1961 Legislature that pertains to this question, and that the penalty is withdrawn and that the deed is not valid unless approval has been received. We feel that if this is the case then the problem is attacked from the wrong angle. We feel that the Registry Act should be amended to simply read that where an area is under an Area of Subdivision Control, that the Registrar of Deeds shall not register any conveyance until approval has been received from the appropriate body.

Yours very truly,

Colin J. MacLean

Colin J. MacLean, Township Clerk.

TOWNSHIP OF PITTSBURGH BRIEF

The Township of Pittsburgh wishes to make submissions with regard to:

(a) Registration under the Planning Act

(b) Assessment of Military Lands

(c) Assessment of Industrial lands

1. The PLANNING ACT

By Statutes of Ontario 1960 - 61 Chapter 76 Section 1 (1), Section 26 of the Planning Act was repealed and a new Section substituted. One of the effects of this change was to delete the penalty of $500.00 for contravention and to merely make void any deed or agreement given contrary to that Section.

The Planning Board is of the opinion that the Registry Act or the Planning Act should be amended to provide that the Registrar of Deeds shall reject such a deed. If the deed can be registered there is a strong probability that third persons will be injured by taking title under that deed. It is probable that these persons would then come to the Planning Board asking for subsequent approval of their own deeds and it will be very hard to resist such an application when the applicant has acted in good faith and ignorance. The Planning Board is of the opinion that the time to stop such contravention is when the first deed is given by having the Registrar reject it.

2. MILITARY LANDS

The attached schedule shows that military lands in the Township of Pittsburgh are assessed at $3,868,625.00 for the year 1961. The equalized assessment for that year was $4,255,951.00.

Under Section 94 (3) of the Assessment Act these amounts were added together for the purpose of equalized assessment for county rates.

The Joyceville Penitentiary and the Department of Transport lands pay full rates including school and county rates.

The Permanent Married Quarters come under an agreement made under Section 245 of the Assessment Act.

The other military properties to an assessed value of over $500,000.00 paid no county rate but Section 94 (3) adds this amount onto the township for county purposes. In the result, the township paid $4,818.70 to the county with respect to these properties more than was paid to it by the Federal Gov't.

Mr. Cass has written to say that he will have the Act corrected to take care of this present difficulty but it is submitted that the basic difficulty lies in the exemption of these lands from taxation. The county rates from which exemption is claimed are principally for schools, roads and general matters, such as the administration of Justice. The users of the military lands use the roads to the same extent as any other resident. The military personnel contribute their full quota to those charged with criminal offences, and to civil actions so that administration of justice should be charged to these people equally with other residents of the township. Welfare costs are sometimes charged back to the township, as for instance when a soldier has deserted and left his wife and family in the Permanent Married Quarters.

Moreover the lands occupied by the military establishment are those very lands which would in the ordinary course return the highest revenue from taxation.

The method of assessment too is arbitary and unfair to the township. The military authorities fix an amount which is grossly under the real value of the property and grants are paid on this under the Municipal Grants Act. There is no right to receive such a grant under that Act as it is a matter of grace only.

It is submitted that Section 4.1 of the Assessment Act should be deleted entirely and that the strongest possible pressure should be put on the Federal government to accept the ordinary assessment and to pay the ordinary taxes. Any other system means that the inhabitants of this township are paying a disproportionate portion of defence costs. No one is objecting to paying his fair share but ~~if~~ it is not just to have this disproportionate amount settled on a poor township.

3. <u>INDUSTRIAL ASSESSMENT.</u>

It is axiomatic that a municipality is rich or poor in direct ratio to its industrial assessment. The township of Pittsburgh has only $200.00 industrial assessment and very little commercial consisting largely of gas stations and motels. The township is principally a farming community and is becoming a bedroom suburb of Kingston. The residents other than farmers principally conduct their businesses or obtain employment in the City of Kingston or other adjacent municipalities where industrial plants are located.

To this extent they contribute to the productivity of the country but their place of business is not assessable to support the local amenities such as schools. An attempt is made to equalize this by basing school grants to some extent on the proportion of assessment to the number of schoolrooms. This in turn depends on a real equalization of the assessment over the Province.

The same principle should be used on Municipal Grants. The grant to the poor township should be on a higher basis than the grant to the industrially developed township.

Pittsburgh is probably an extreme example with the best land being taken for military purposes and sterilized from a taxation point of view and this very land is the land which would be industrially assessed if it were available. Instead of being an asset, it is a detriment to the township and the grant structure should take that into account.

All of which is respectfully submitted.

H.L. Cartwright, Solicitor,
Township of Pittsburgh.

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MUNICIPAL GRANTS ACT

TOWNSHIP OF PITTSBURGH, ONTARIO.

Calculation of Section 5 - Grant for 1961

Property	Accepted Value	Com'l or Res.	Gen.	School	County	Total	GRANT
R. M. C.	$ 117,650	Com'l	8.7692	- - - -	11.0641	19.8333	$2,333.39
	64,750	Res.	5.9775	- - - -	11.0641	17.0416	1,103.44
Barriefield	269,200	Com'l	8.7692	- - - -	11.0641	19.8333	5,339.12
& Vimy Camp	66,800	Res.	5.9775	- - - -	11.0641	17.0416	1,138.38
(M.Q.'s.)	2,416,005	Res.	5.9775	- - - -	11.0641	17.0416	41,172.59
Joyceville	933,650	Res.	7.4813	21.7752	11.0641	40.3206	37,645.33
D.O.T. Canal	570	Com'l	10.2730	21.7752	11.0641	43.1123	24.57
TOTALS	$3,868,625						($88,756.82)
							$88.757.

Average elementary school rate $\frac{\$59,921.37}{\$4,255,951}$ = 14.0794 mills

Add High School rate 7.6958 mills

Total average school rate 21.7752 mills

Fire & Police protection rates not included for

D.N.D. properties.

Red Lake, Ontario
August 18th, 1961

TO THE SELECT COMMITTEE OF THE LEGISLATIVE ASSEMBLY ON MUNICIPAL AFFAIRS

Gentlemen:-

We have some very pressing problems in the Municipality of Red Lake at the present time: some of the more urgent we had solved satisfactorily, but our solutions couldn't be accepted apparently under the present municipal planning and development laws and regulations, so they are with us again. Since they are hard to visualize at a distance and I am prepared to make some really strong statements about them, with whichsome of our present council may not agree, I think a hearing right on the spot if possible would be the proper way to get a true picture of our troubles.

I have lived in Red Lake as a general trader since 1932 more or less under continuous threat of total eviction for the first twenty-two years and seven months, when I finally obtained title to my store and home, and right now some six years later I am under orders from the Minister of Municipal Affairs to remove some twenty-seven occupied houses the Indians built on waste municipal lands for me, and I am threatened with eviction within thirty days from the land where I have operated a lumber and planing mill and employed some twenty-odd Indians for about twenty years, so I guess maybe I am still in a spot of trouble.

The basis of the present objection to me is that I have been trying for some ten years to contain the two million tons of "ground glass" slimes left by the Howey and Hasaga Gold Mines from contaminating our food and air by covering them with sawdust. I believe the covering of this powdered rock or glass is our most urgent problem as from twenty nine years' observation and contact with it, it appears to me to be at the root of the bulk of our illnesses and deaths in Red Lake from silicosis, tuberculosis and other pulmonary diseases, to arthritis, lung cancer, bowel cancer and leukemia.

Many a tale has been told about in the olden days how a teaspoonful or so of ground glass surreptiously added to a person's victuals had been sufficient to rid the world of his presence without arousing any suspicion of foul play, and the truth only came out when one of the culprits in the crime gave his associates away. Be this as it may, we have in Red Lake these two million tons more or less of ground glass slimes, and each windy day following a dry spell, we have a dust storm of this powder and tons and tons are blown up in the air, almost like an atomic blast and literally deposited during the next few days in every nook and cranny in the whole countryside. Even the patented windows in the High School do not hold this dust out, and a thin layer of same has to be cleaned off each scholar's desk after each storm. In reality on these stormy days and probably for days after, each breath of air we take and each bite of food we eat is contaminated by this ground glass.

To be perfectly frank, I didn't realize until almost the present time that there might be a very definite connection between these cyanide slimes and the prevalence of arthritis, lung cancer, bowel cancer and Leukemia in Red Lake, but the general concensus of opinion has always been that silicosis and tuberculosis came directly from the silica rock some place or places in its transition from solid rock into permanent soil.

In any event, shortly after the second world war when it was decided to build our High School in the midst of the Howey slimes despite my protest, I conceived the idea of covering the said slimes with sawdust to contain them, and despite many frustrations and setbacks in the intervening time, I have been consistently working towards that end. I figured it couldn't possibly be doing any harm and might be doing a great lot of good.

Surprisingly I got very little help or encouragement at any time, but I was able to cover about 50% of the slimes in seven years with our surplus sawdust. Last year when Mr. Melnick took over the Howey Reserve, he objected to the sawdust on his land and apparently talked the council into passing a by-law prohibiting me from spreading our sawdust on any land without the owner's consent in writing.

The Minister of Lands and Forests refuses to give me permission to cover the slimes on crown lands because of council by-law: the district health officer won't take a definite stand, as he doesn't know enough about the danger of slimes and the Minister of Health's advisors say it cannot be a serious health hazard as there are similar situations all over the province.

I might mention I am prepared to submit a great deal of concrete evidence, as well as circumstantial, relative to the danger of these cyanide slimes, if asked to.

But my troubles, important as they may be for me, are minor as compared with the problems the Indians have. Take the case of Peter Loonfoot, the Indian leader in this locality as an example. He is, I imagine, the most influential elector in the whole district of Kenora. He has been driving a tractor for Dickenson Gold Mines in Balmertown for about eight years but he has been unable to get a lot to build on anywhere. However, he was able to buy a small house so he hauled it into Red Lake, andplaced it in an out of the way spot back of my mill now known as "Tomahawk" centre (as a lot of his friends followed him). His children were small, so the small house did quite well for some time. But by and bye when his boy was around fourteen and his girl about ten, naturally he wanted to build an addition on to his house so they could sleep in separate rooms. But he can't get title to this lot or any other lot, so he can't get a building permit. Three years later the situation is just the same. When the Municipal election took place in January 1960, actually his name was taken off the voters list on orders from the legal representative of Municipal Affairs because there was nothing on record that he was a British Subject and twenty-one years of age.

With fully 25% of the population of Red Lake of Indian blood, I considered we were very lucky to have the most influential one of the whole district in our midst and I had hoped to nominate him and see him elected as one of our four councillors to guide proper Indian integration which is another of our main problems.

However, with his name struck from the voters list his nomination for councillor couldn't be accepted.

In all the discussions that have taken place in the parliaments of Ottawa and Toronto with regard to Indian integration, there seems to be a realization that we haven't been dealing fairly with these Indian people and there seems a willingness, almost an anxiety to rectify insofar as possible the situation they are in, if someone will come up with a solution or part solution. But few if any seem to realize that this deplorable situation the majority of them are in, of living in wigwams and hovels and straddling the starvation line a good portion of their time, is partly at least the direct result of laws and regulations that have been enacted during the last fifty years by these self-same parliaments and it seems to me a number of these laws and regulations are in direct contravention of the bill of rights that Mr. Diefenbaker has finally got written into the statutes.

Individual initiative has been throttled by these regulations and it is virtually impossible for an Indian or other man of modest means to obtain a piece of land in northwestern Ontario on which to build a comfortable home to bring up his family anywhere he can earn a living and his children can attend school.

Roughly the case of the Indian in this locality wishing to settle is as follows. He has an average income of about one thousand dollars in cash per year together with some wild meat and fish.

But the regulations of planning and development and Municipal Affairs are such that he must be in a position to guarantee the building of a house costing approximately fourteen thousand dollars before he can get a lot. If he can borrow the money at six per cent the interest would cost him $840.00 per year and municipal taxes would be about another $200.00 per year, so his whole cash income would be used up before he even started to eat. Manifestly the whole set up is absurd for him.

On the other hand, if he can get a lot, and if it weren't for the regulations he could get one for fifty dollars or less, he wouldn't need to continue living in a wigwam or hovel cached in some out of the way spot,

as he is quite able to build himself a good comfortable home just as suitable for this country as the fourteen thousand dollar house, if he can get about twelve hundred dollars worth of materials mostly lumber and I know he can get that. The interest on the twelve hundred dollars would be $72.00 per year and the taxes would amount to about $60.00, $132.00 in all, or $11.00 per month. This is about what the average Indian (of the six thousand in the district) can afford to pay for his house at the present time in addition to his labour. But for his labour and with this material which he can get on credit, he will have a substantial 22' by 24' four-room house on a solid concrete foundation with triple lumber walls, insulated with rock wool walls and ceilings two ply of paper, a lined cement block chimney and a heavy slate rubberoid roofing guaranteed for twenty years. If he can afford electric lights he can put them in anytime and the same applies to sewer and running water, but the cost of the latter will be dependent on the location of his lot.

This is not altogether theory on my part as in 1942 at Red Lake at the behest of the late C.D. Howe the writer bought the abandoned Howey sawmill to supply lumber for war plants, a few years later put in a planer and cement block machine and has operated them ever since principally with Indian labour. About 1955 the Howey Gold Mines donated about 50% of their land here to the people with houses already built thereon and for those wishing to build. So a couple or three years later when a flock of my other Indian customers, lean and hungry after a hard winter trapping, landed in on me anxious to eat and still stay alive, and no other work was available, I started them building a few houses on a section of the land donated to us by the Howey Gold Mines but which planning and development intimated was not suitable for their standard buildings.

To make a long story short, during the next two summers the Indian boys who could not pick up other work built for me thirty houses

some rather rough, I will admit, but all good substantial warm houses. We expected to turn over these houses at cost to either white or Redman as they were built, but before completion we received word, as we hadn't complied with the regulations, we would have to cease and desist from further building and forthwith remove the houses from Municipal land. As we had already picked the poorest land and no other land was available, and it had taken the writer twenty-two years and seven months to obtain title to the lot he was living on, there was really nothing further we could do, and there was no further work for the Indians nor ~~bonus~~ homes for anyone.

Luckily for the Indians, last year and this there have been very considerable forest fires and as the Indians are the ablest and most reliable fire fighters in the country, their services have been in great demand and their families are suffering no great hardships this summer.

But the really annoying and depressing feature of the whole situation is to see the little help we have been able to give in integrating these Indians for ~~our~~ over twenty years being undone in one fell swoop by decent enough fellows employed by Municipal Affairs by the grandiose and unrealistic ideas incorporated into our laws and regulations, which preclude the said Indians and others of modest means from buying lots and building homes.

When Red Lake after carrying on as unorganized company settlements for some twenty five years on Howey and Hasaga land had reached a population of some two thousand people, the Howey and Hasaga Gold Mines both shut down, finally turned over about 80% of the built up area of the town to the inhabitants thereon together with a fair amount of unoccupied land for expansion via a committee appointed by the district chamber of commerce and the said committee consisting of seven men immediately started to take on certain municipal responsibilities, and collect voluntary taxes to pay for same. One responsibility we assumed was the giving out of building lots to those in urgent need of them.

Then after about a year of carrying on in this manner the Lieutenant Governor by order-in-council, promulgated the locality into an improvement area, a new kind of municipal set up, a kind of caretaker organization to carry on until such time as a municipal township could be formed, and Mr. Hughes the chairman and myself the vice-chairman of the committee of seven were appointed to similar posts in the trustee set-up of the Improvement area, and Mr. Hugh McEwen (followed by Mr. Jack McEwen) the chairman of the School board was named the third trustee to administer the area and schools under the Department of Municipal Affairs during the pleasure of the Minister.

The first supervisor was most reasonable and co-operative and though at first he said we must discontinue collecting taxes and giving out lots, until the survey which the Municipal Affairs would finance, was made and finalized, he finally agreed to allow us to collect service charges and School taxes, and didn't go out of his way to stop us from giving out lots until the survey was completed.

It was lucky for us he did so, as the four months he estimated it would take to finalize this work turned out to be three years, and during that period we collected enough taxes to keep us solvent, and gave out approximately one hundred and fifty lots for building.

The trouble now that we faced was that the Land Surveyor apparently had orders from the director of special projects not to survey any lots except those actually built on, so that when he finished his field work and started drawing up his plans for transfer, there were only some eighteen actually surveyed lots on which there were no buildings. These were vacant pieces of land surveyed on several sides by the lines of other lots and therefore surveyed themselves.

The Director of special projects actually took over at the selling of the lots, and then and there laid down the law that no more lots were to be sold (except the 18 mentioned above) until they could be surveyed,

and they could not be surveyed until after the Department of planning and development had inspected them and made a report that they were in a suitable building area, and even then we couldn't survey them until we had repaid the money advanced us for the survey.

When I suggested we were faced with the intolerable situation of fifty lots being needed each year to take care of the natural growth of the town, and only eighteen were going to be made available, so we would have to give out further lots on a temporary basis, the director stated he would have the trustees put in jail if they did so.

It took approximately two years to get the machinery oiled to dispose of the eighteen lots, and in the meantime the minister of Municipal Affairs, Mr. Dunbar who had been our great friend in all our litigation had retired, a new minister and deputy minister had been appointed, and the director of special projects, who had proved to be no friend, or help of ours had apparently been moved to other work.

On the face of it, it would seem fairly safe and reasonable to lease out the odd lot to prospective home builders, and after various discussions I moved a resolution to that effect. However, there was no seconder for my resolution so it was lost.

At about this time, after building a house on one of the eighteen lots sold, there being quite a number of my Indian customers unemployed, I thought it might be a good idea to make a test case, and have them build a house or two on the partly surveyed lots at the end of the same road.

I might mention at the time there was such an acute shortage of housing in Red Lake, the taxpayers of Red Lake had to rent a house at Starrate-Olsen, eight miles away, to house a family on relief sent back to us from Winnipeg.

In any event the Indians seemed to appreciate the work and the people of the district seemed to need the houses they built, so I let the Indians keep on building houses as and when no other work was available to them on the donated municipal land where I had no title; until such time as twenty six houses had been built and I received a direct order from the Minister of Municipal Affairs to cease and desist building on municipal lands and remove forthwith the houses I had built.

In the meantime a much more serious situation for some of the people of Red Lake developed on the Howey reserve, and together with it and leading to the present impasse we are in I believe is the fact that somewhere about this time up popped the source of most of our troubles as the new deputy minister.

On June 4th, 1958 Mr. Ed. Futterer consulting engineer for the Howey Gold Mines appeared before the board at their public meeting and stated he was authorized to donate to the town a large proportion of the Howey land previously reserved by them under practically the same terms as the original donation. On this land were located Slobodzian Bros. tourist camp of some twelve cabins, the bulk station of the Imperial Oil Co. Ltd., McDougall's Saw Mill, Planing Mill and Cement Block Machine, the Red Lake Memorial Hospital and Nurses' Home, the Hydro building, the Red Lake District High School, the Roman Catholic Church and Manse, the town garbage dump and some twenty eight dwellings including an Indian settlement known locally as "Tomahawk Centre".

Naturally, since the acquisition of this land had been one of the main objectives for years of the parties involved, the board accepted the donation with sincere thanks and wrote the Department of Municipal Affairs informing them of our good fortune, and asking them to implement the transfer in their own way as soon as possible.

Apparently however this happy solution of the bulk of our problems was too simple for Municipal Affairs. We were answered a short time later to the effect that we couldn't accept the offer until such time as planning and development had made a survey of the property and had decided whether it was suitable for development or not. This seemed a rather ridiculous answer as the bulk of the land had already been developed some of it for some twenty-seven years.

But from that day to this, although we have tried by all means at our disposal to have the said land transferred to us for division amongst the householders and businesses thereon, and for use as ball field, parks, parking lots and other municipal purposes, we have been unnecessarily blocked on every side and are liable to land up with twenty years litigation over the said land.

After about six months waiting, the Howey Gold Mines withdrew their donation and transferred it to John Melnick of Red Lake, their former agent.

Hereafter follow a petition and three resolutions we forwarded to try and salvage what we could for our citizens "marooned" as it were on the former Howey Reserve. The first is a petition signed by about thirty householders and sent by registered mail tothe secretary of the Lieutenant Governor in Council, but never acknowledged by him.

> "We the householders and other individuals carrying on business in what is known as the Howey reserve area of Red Lake loyal subjects of her Majesty the Queen feel that we are being unfairly dealt with by her Majestys Government in certain matters vital to our well being and even survival on this earth.
>
> "Our problem is security of tenure, and we blame the officials of the dept of Municipal Affairs foracting in such an arrogant

and stupid manner that they actually robbed us of this security of tenure and we now face eviction from property we have lived on from five to twenty seven years, At the same time the inhabitants of Red Lake as a whole lost the land on which is located their hospital and nurses home, the Hydro building, the town water works, the ball field, garbage dump and Catholic Church and manse, and some hundred other acres suitable for parking lots, public parks and playgrounds, and future building expansion.

"The land was actually given by the Howey Gold Mines to our trustees for us on June 4th, 1958 at a public meeting in Red Lake and our trustees accepted same on our behalf with thanks.

"But although the terms of the donation were as nearly as possible identical with those of the original donations which solved the security of tenure problems of 80% of the people of Red Lake, and caused the formation of the Improvement area of Red Lake, the dept officials chose to consider the gift unacceptable and refused to implement the legal transfer of the land.

"The net result was that after six months the Howey Gold Mines turned the property over to John Melnick of Red Lake, and although this actual transfer hasn't been legalized yet either, Mr. Melnick is carrying on as the owner.

"Our trustees we believe have been consistently trying to rectify or alleviate the situation by resolutions to the Minister of Municipal Affairs, but all of them apparently have been turned down or lie unheeded.

"We the undersigned therefore humbly petition the Lieutenant Governor in council to look into this serious situation of ours, and respectfully suggest that if a committee of one or

more reliable members could be sent up to assess the situation on the spot as soon as possible they might even now be able tocome up with some suggestion which might solve or alleviate our problems before they get out of hand altogether."

Signed: Some sixty names.

No action was taken on this petition and the board of trustees of Red Lake unanimously passed three resolutions as follows:

No. 1.

"WHEREAS on the 2nd day of Sept. 1937 license of occupation no. 4091 (copy of which is attached hereto) covering approximately 7 1/2 acres of the waterfront of Red Lake was granted to the Howey Gold Mines for the purpose of keeping squatters off the said land which is sixty six feet in depth and about five thousand feet in length

AND WHEREAS the Minister reserved the right to grant license of occupation to other parties for portions of the area covered by this license

AND WHEREAS the Minister reserved the right to revoke or cancel the said licence when it shall by him be deemed in the public interest so to do

AND WHEREAS on the said land are located the town water supply pumphouse, the Imperial Oil Warehouse, part of a sawmill and planing mill and parts of eight substantial dwellings and various other homes and installations so that practically the whole area is occupied

AND WHEREAS the Howey Gold Mines apparently wants to be rid of the said license and it is clearly in the public interest that the present tenants or squatters get title to the land they occupy so they can shoulder their public responsibility

IT IS THEREFORE RESOLVED that leave be given to ask the Minister of lands and forests to revoke the said license of occupation, and turn the said land over to the improvement area for distribution in the same manner that original area was handled.

No. 2B

WHEREAS the Prime Minister of Ontario enunciatedthe policy of his Government with regard to the Indians and Metis on the floor of the Legislative Assembly some years ago, and again on February 5th, 1959 in a meeting with the Northwestern Ontario Associated Chambers of Commerce

AND WHEREAS in seeking to implement this policy of integrating the Indians into our regular economy we have apparently run into an impassible block of red tape: in that no land can be made available and sold to them so that they can build good substantial homes for themselves as the first prime essential of the said integration.

AND WHEREAS quite a few of our other citizens returning from the armed forces after the second world war found themselves without homes and were refused land on which to build them, so in desperation built homes on the unoccupied lands of the Howey Gold Mines, and quite a few Indians coming into the district for work built shelters and homes on the same land

AND WHEREAS on the same Howey land are located also a large tourist camp, a saw mill and planing mill, the

Red Lake Memorial Hospital and Nurses Home, the Roman Catholic Church and Manse, the Hydro Electric Public Building, the Red Lake District High School and the town garbage dump

AND WHEREAS on June 5th 1958 the Howey Gold Mines at a public meeting of the board of trustees of the improvement district of Red Lake donated to them all of the said lands without charge.

AND WHEREAS the Minister of Municipal Affairs did not see fit to concur in his board's acceptance of this most generous donation

AND WHEREAS the Howey Gold Mines then sold the property in question to one John Melnick of Red Lake and the said lands are in course of being transferred to him

AND WHEREAS this stupid mistake and result is clearly the responsibility of the Crown its officials and appointees and has to be rectified as quickly and economically as possible

IT IS THEREFORE RESOLVED that other methods having failed, that leave be given to institute as soon as possible proceedings to expropriate the lands in question from the Howey Gold Mines, and notice of such intention be immediately conveyed to them.

No. 3

WHEREAS the trustees of the Improvement District of Red Lake have been refused permission for some two years to lease or sell for building or other purposes any of the land they hold for that purpose, except

a few scattered odd lots, which had been surveyed

AND WHEREAS the said refusal to make lots available has resulted in various families and businesses having to leave the town to obtain shelter, and has even resulted on families on relief being housed outside the improvement area, at the expense of the improvement area

AND WHEREAS in the course of nature certain of our young men have grown to man's estate and sought out mates, and then have sought out land on which to build homes for them and have had to be refused same

AND WHEREAS these refusals are building up considerable resentment on the part of a large segment of our citizens against your trustees and your government, in that they feel they are being denied some of the basic rights of British citizens

AND WHEREAS last summer some twenty Indian families more than there was work for at the time moved into our area and might have starved without work

AND WHEREAS one of our citizens hired these Indians and had one of them survey a continuation of one of the outlying roads and built with them some twelve houses thereon neither fancy nor expensive but substantial and comfortable

AND WHEREAS seven or eight of the said houses are completed and occupied and it is necessary to collect taxes thereon

IT IS THEREFORE RESOLVED that leave be given to rent to the builder of these houses the land on

which he has built and assess him fair taxes on same with the understanding that he or his assigns will get first chance in the purchase of the lots when they are surveyed by a licensed land surveyor AND FURTHER IT IS RESOLVED that leave be given in case of dire need or necessity to lease other lots for building until such time as we can finance a further survey by a licensed land surveyor.

The Minister took no action on these resolutions except after some six months delay he turned down the resolution to expropriate the property as suggested by the Howey. The other resolutions he seemingly ignored, except to mention one was unnecessarily abusive.

Mr. Melnick agreed to give an undertaking to the board not to attempt to exploit any of the householders or businesses already located on the land turned over to him, but some of his actions lately don't seem to bear this out.

When it is realized that the forty acre bay of Red Lake filled with Howey slimes is still the property of the Crown and the sixty six feet around it (wherever it is) is probably the property of the town and a part of Tomahawk Centre is on this 66 feet, one can readily see some very contentious litigation ahead.

When it is also realized that these cyanide flats are the suggested location for a sewage disposal lagoon when a sewage system is put in, it behooves the council to walk very carefully to be sure the rights of the citizens shall be protected.

Late in 1959 the Minister suggested that a township with an elected reeve and council would have more control over its own affairs than an improvement area, so we became the Township of Red Lake as of

January 1st, 1960, but since we are a mining township the elected council now claim they still are restricted by Government regulations from performing the logical and sensible actions required here. In any event from the point of view of the Indians and others on the Howey reserve the situation has gone from bad to worse.

Despite the commitment of Mr. Melnick relative to the rights of the people located there the present situation is as follows. Slobodzian Bros. tourist camp has been moved from its former location to another location displacing several Indian families. K. McDougall and Co. received word by registered letter on August 4th, 1961 to vacate the land where they have been located for some twenty years inside thirty days unless some impossible terms are complied with. This would automatically rob some twenty five Indian families of their means of livelihood. No overt action has apparently been taken against the bulk of the other residents as yet, but no attempt seems to have been made to survey any of the holders lots as promised, and there seems to be a certain amount of intrigue about to the effect that the closing down of McDougall's plant thereby putting the Indians out of work will force them out of the municipality and back to the reserves. This was the policy advocated by the director of special projects in the first place and this policy is apparently being carried out by our next door neighbor Balmertown.

They are glad of the Indians services for rough work and especially as fire fighters, but they don't want to live near them or personally help in their integration.

The position of the Indians and others of modest means is they want the right to work, and the right to a piece of land where each can build a house for his family he can afford to keep up,

with the proceeds from his work, and we want our sawmill land so we can earn a living for my partners, and our employees, and we all want to cover the damned slimes so they won't maim or kill too many of us.

Yours Truly
Kenneth McDougall
JP for Kemra District

BRIEF

OF THE

CORPORATION OF THE

TOWNSHIP OF SCARBOROUGH

TO

CHAIRMAN AND MEMBERS

OF THE

SELECT COMMITTEE

ON THE

MUNICIPAL ACT AND RELATED ACTS

TOWNSHIP OF SCARBOROUGH
2001 EGLINTON AVENUE EAST
SCARBOROUGH, ONTARIO
TELEPHONE 759-4747

November 9th, 1962.

Chairman and Members of the
Select Committee on The Municipal
Act and related Acts,
Parliament Buildings,
TORONTO, Ont.

Gentlemen:

On behalf of the Council of the Township of Scarborough, it gives me great pleasure to submit the Township's attached brief dealing with the following matters:

1. Provincial Educational and Unconditional Grants in the Metropolitan Toronto Area.
2. Approval by the Ontario Municipal Board of Capital Expenditure Budgets.
3. Servicing of Land for High Density Development.
4. The Planning Act - Prohibition of Construction on Low Lying Lands.
5. Representation by Population on Metropolitan Toronto Council.
6. Name of the Head of a Municipality.
7. Emergency Traffic Control.
8. Location of Driveway Entrances on Highways.
9. New Sidewalk Construction on Major Roads.
10. Uniform Expropriation Act.

Continued .....

11. Demolition of Buildings in Poor State of Repair.

12. Public Health and Related Acts.

Respectfully submitted,

C. E. Onley,
Deputy Solicitor.

CEO/dh.
Encl.

THE CORPORATION OF THE TOWNSHIP OF SCARBOROUGH

IN THE MATTER OF THE SELECT
COMMITTEE ON THE MUNICIPAL
ACT AND RELATED ACTS.

BRIEF OF THE CORPORATION OF THE
TOWNSHIP OF SCARBOROUGH

1. PROVINCIAL EDUCATIONAL AND UNCONDITIONAL GRANTS IN THE METROPOLITAN TORONTO AREA.

An anomalous situation exists in the Metropolitan Toronto Area with respect to Provincial education and unconditional grants. A brief was recently submitted to The Honourable John P. Robarts by the Township on the education grants matter. The basis of Provincial education grants is to a large extent based on averaging out the cost across the Province to give equality of opportunity. A municipality with a low assessment base receives proportionately higher grants than another municipality with a high assessment base with the same number of children requiring education.

The Municipal Unconditional Grants Act deals with another feature of municipal life, namely, the provision of facilities for the administration of justice, welfare, social and other similar municipal services. In this case the Province makes grants on a per capita basis since these needs are directly related to the total population regardless of assessment.

In both cases these grants are paid to Metropolitan Toronto on behalf of the municipalities and calculated as above. However, whereas the education grants are paid to Metro on the basis of assessment the area municipalities receive base payments on a per pupil rate (Metro Act, Section 135 (1) regardless of assessment and the unconditional grants are paid on the basis of assessment (Metro Act , Section 231 (3) regardless of population.

It therefore appears that the principles of the calculation of the

grants are not carried forward in the case of Metropolitan Toronto to the area municipalities notwithstanding that the dollar calculation of the grants is made on the basis of the principles in the Provincial Legislation. It is therefore recommended that the principles of the Provincial Legislation be carried forward to the end result of the receipt of the monies by the affected municipalities.

2. APPROVAL BY THE ONTARIO MUNICIPAL BOARD OF CAPITAL EXPENDITURE BUDGETS.

Particularly in the Metropolitan Toronto Area the capital expenditure budgets of the area municipalities are not only approved by the Metropolitan Council but are also considered by The Ontario Municipal Board. Thereafter the individual items require the formal approval of the Board. It is recommended that consideration be given to implementing a procedure whereby if individual items of capital expenditure have been approved in the budget that they not subsequently require separate applications to and approval of The Ontario Municipal Board.

3. SERVICING OF LAND FOR HIGH DENSITY DEVELOPMENT.

The Planning Act provides for specific arrangements for the supplying of services when there is a subdivision of land whether by a registered plan or on a Consent. Urban areas generally and Scarborough in particular, are facing an increasing problem with respect to parcels of land coming up for intensive development where no subdivision is involved. Private bills have been enacted for the City of Toronto and the City of Ottawa dealing with the supplying of sewer and water services. It does not seem equitable that, for example, two abutting pieces of property be subject to entirely different standards of the supplying of services and the like merely because one requires a Consent and the other does not.

It is recommended that very serious consideration be given to requiring

that in cases of a proposed high density use the requirements of The Planning Act be followed with respect to servicing, etc. whether there is a subdivision involved or not. It might be pointed out that zoning could be used to this end but it would not seem to be effective in many cases since at the time of the passing of a zoning by-law the Council has virtually no way of insuring that land is or is not going to be divided.

4. THE PLANNING ACT - PROHIBITION OF CONSTRUCTION ON LOW LYING LANDS.

At present Section 30 (1) (3) of The Planning Act authorizes by-laws prohibiting residential or commercial construction on lands subject to flooding etc. It is recommended that this authority be extended to include industrial construction.

5. REPRESENTATION BY POPULATION ON METROPOLITAN TORONTO COUNCIL.

At the present time the representation by the three large suburbs on Metropolitan Toronto Council is three in number with a total population almost equal to that of the City of Toronto which has twelve representatives. Such disproportionate representation is not in accordance with the policy of representation by population. It is recommended that the Metropolitan Toronto Act be amended to provide for adequate representation by the various area municipalities.

6. NAME OF THE HEAD OF A MUNICIPALITY.

It is recommended that where the population of a Township exceeds 50,000 persons the head of the municipality may be designated as the "Mayor".

7. EMERGENCY TRAFFIC CONTROL.

The Township supports the submissions of The Ontario Traffic Conference recommending that authority be given to designate persons in a municipality who may legally erect traffic control devices for the emergency regulation of traffic. The authority to temporarily close a highway given by Section 377(56)

of The Municipal Act would not appear to adequately cover emergent situations.

8. LOCATION OF DRIVEWAY ENTRANCES ON HIGHWAYS.

The Township supports the submissions of The Municipality of Metropolitan Toronto and The Ontario Traffic Conference requesting that the specific location of driveway entrances at or near intersections and on major traffic arteries be subject to the approval of the municipality.

9. NEW SIDEWALK CONSTRUCTION ON MAJOR ROADS.

With the increasing population density, the need for new sidewalks on major roads is becoming increasingly pressing. It does not seem equitable to burden the abutting owner with a local improvement charge of virtually all the cost of the sidewalk which is really part of the supplying of the highway facility. With all the other calls on the local tax dollar there does not seem to be sufficient money available to pay for sidewalks out of the general rate or by general debentures. It is recommended that Provincial subsidies be established for new sidewalk construction on major roads in the same manner as are provided for paving such roads.

10. UNIFORM EXPROPRIATION ACT.

The Township recommends the early implementation of the draft bill providing for uniform expropriation procedures by public authorities.

11. DEMOLITION OF BUILDINGS IN POOR STATE OF REPAIR.

The authority of a Council to order the demolition or repair of buildings is quite limited. There is a particular problem in the case of dilapidated residences and shacks on lands that are awaiting development. It is recommended that more adequate legislation be enacted to authorize the demolition, repair or removal of such buildings.

12. PUBLIC HEALTH AND RELATED ACTS.

(a) Communicable Disease Control - The Township supports the Provincial

Health Department's plans to consolidate the various statutes dealing with communicable diseases, including the updating of relevant provisions in accordance with modern medical science. It is recommended that this new statute be brought forward at as early a date as possible.

(b) Health Departments - At the present time Health Units receive Provincial grants, whereas Municipal Health Departments do not. It is recommended that the grants should be paid for Municipal Health Departments and be based on the quality of services provided.

(c) Boards of Health - Board members' remuneration was established at the sum of $4.00 in or about the year 1927. It is recommended that it be brought up to date.

(d) Public Health Services to Schools - At the present time, Boards of Education cannot employ doctors or nurses. Our Health Department works very closely with our Board of Education in supplying doctors and nurses in schools. On occasion there is some question as to the amount of services to be provided. It is recommended that the municipalities and School Boards be given authority to enter into an agreement for the supplying of and payment for such services.

(e) Medical Welfare - Much of the work of the Health Department involves caring for persons who have not sufficient money to care for themselves and yet are not strictly able to obtain welfare assistance. It is recommended that authority of welfare services be extended to enable adequately assisting these persons.

(f) Nursing Homes, Infants' Boarding Houses, etc. - The establishment of infant boarding houses, nursing homes and the like, requires a Provincial license. It is recommended that the issuance and maintaining of such

licenses be subject to the approval of the local Medical Officer of Health.

Respectfully submitted,

CEO/rc

C. E. Onley, Deputy Solicitor.

The Chairman and Members,
Select Committee on the Municipal Act
and Related Acts.

RE: Legislation concerning Municipal Parks and Recreation Matters.

The attached comments indicate that there is room for streamlining and coordinating of Provincial services that are available to Municipalities involved in the operation of Parks and Recreation services. Also, while no specific mention is made of it in the attached, there is much to be brought up to date insofar as dollar limits of Grants-in-Aid, etc. are concerned.

All of the advantages contained in the various Acts are of considerable assistance to the Municipalities; but are very much out of date and are certainly not in keeping with the present economy and the recognition that is now being given to our so called "social services". In the last ten to fifteen years, the various levels of Government, along with the general public, have learned that the operation of Parks and Recreation services are important to the welfare of the country--but, like the weather, some of us talk a lot about it, but too few of us do much about it.

In view of the fact that the comments are intended to be dealt with on a Municipal Act basis, it might be desirable to have a Parks and Recreation Branch under the direction of a Deputy Minister or Branch Director attached to the Department of Municipal Affairs.

On the other hand, because of the nature of these matters relating themselves to Parks and Recreation, it might be desirable to have such a Branch or Division of the Department of Lands and Forests.

In this respect, the Department of Lands and Forests already has, as part of its organization, many technically trained people who are familiar with many of the facets covered by a municipal Parks and Recreation Department. However, because of their lack of contact or knowledge of municipal affairs, the advantages would be required to be weighed against the disadvantages.

It is the writer's opinion that most benefit would be attained by all parties if these matters were handled by a Municipal Parks and Recreation Branch of the Department of Lands and Forests.

The writer considers it a real privilege and a pleasure to be able to present and discuss these points with your Committee, and it is my sincere hope that some good will come from this opportunity.

Respectfully submitted,

O. R. DALZELL,
Commissioner,
Recreation and Parks Department,
Township of Scarborough.

June 26th, 1962.

REMARKS CONCERNING PROVINCIAL LEGISLATION IN THE MATTER OF OPERATING MUNICIPAL PARKS AND RECREATION PROGRAMMES

Any municipality that undertakes to operate a combined programme of parks and recreation as a joint operation or as two separate municipal operations, is confronted with a conglomeration of legislation that stretches over a half dozen provincial departments. For purposes of ready reference, the various branches and departments are listed, as follows:-

1)	Community Programmes Branch	Dept. of Education
2)	Community Centres Act, Horticulture and Societies Branch	Dept. of Agriculture
3)	Public Parks Act	Dept. of Municipal Affairs
4)	5% Public Land Dedication, Planning Act, Community Planning Branch	Dept. of Municipal Affairs
5)	Parks Assistance Act, Conservation and Parks Branch	Dept. of Commerce and Development
6)	Construction and Management of Swimming Pools	Dept. of Public Health
7)	Museum Programmes, Community Programmes Branch	Dept. of Education.
8)	Athletics Control Act, Athletics Commissioner	Dept. of Labour

Other provincial departments concerning park operations are:

a)	Conservation and Parks Branch	Dept. of Commerce and Development
b)	Parks Branch	Dept. Lands and Forests
c)	Roadside Parks	Dept. of Highways
d)	Niagara Parks Commission	Dept. of Labour
e)	Ontario St. Lawrence Development Commission	Dept. of Commerce and Development
f)	Parks Integration Board	Provincial Treasurer's Department
g)	Physical Fitness Study Committee	Dept. of Public Health

For purposes of definition of responsibility of the various provincial departments concerned, I shall attempt to deal with each one separately in such a manner as to show what a web of confusion the average citizen - or even a Member of Parliament for that matter - could become involved in in dealing with parks and recreation at the provincial level. This web of confusion also confronts any or all of the municipalities that are attempting to conduct a programme of parks and recreation for their residents.

1. Community Programmes Branch - Dept. of Education

A municipality must conform to and proceed along the lines of the terms of reference spelled out by the Community Programmes Branch of the Department of Education. This includes applications for financial assistance as related to full-time qualified staff, maintenance costs, etc. There is also an advisory service carried out by this Branch which is available across the province on a demand basis.

2. Community Centres Act, Horticulture and Societies Branch, Dept. of Agriculture

A municipality seeking assistance under the Community Centres Act or advice dealing with soil conditions or consultative service concerning horticultural societies has to deal with the Horticulture and Societies Branch of the Department of Agriculture. This Department also deals with the development of athletic fields under the terms of reference used to define a Community Centre in the Community Centres Act.

3. Public Parks Act - Dept. of Municipal Affairs

If a municipality chooses to operate its park programme under a Board of Parks Management constituted under the Public Parks Act, then it is governed by this Act which is administered by the Dept. of Municipal Affairs. In this connection, it is interesting to note that there is a restricting factor of 1 mil in this Act which is completely outmoded and outdated to cope with the present-day requirements.

4. 5% Public Land Dedication, Planning Act, Community Planning Branch - Dept. of Municipal Affairs

In relation to new subdivisions being opened up and the consequent registration of plans of subdivision, the administration of the 5% Public Land Dedication Clause in the Planning Act is administered by the Community Planning Branch of the Dept. of Municipal Affairs. The acquisition of such open space under this Clause is not so bad at first glance, but when one considers that the 5% is about one half of what is actually needed to meet all the requirements and that when development of land to be acquired by this method is planned, grants for development of same come from another Department.

5. Parks Assistance Act - Dept. of Commerce and Development

The Parks Assistance Act which is administered by the Conservation and Parks Branch of the Dept. of Commerce and Development deals with assistance to municipalities in the development of tourist parks and roadside parks within their jurisdiction.

6. Construction and Management of Swimming Pools, Dept. of Public Health

Any municipality involved in the development of swimming pools is confined or restricted by the inadequate legislation currently in effect under the Dept. of Public Health, which prescribes standards for the construction, operation, and maintenance of swimming pools.

7. Museum Programmes, Community Programmes Branch, Dept. of Education

Certain defined museum programmes are permissible under the Community Programmes Branch of the Dept. of Education.

8. Athletics Control Act, Athletics Commissioner - Dept. of Labour

For the conduct of programmes of an athletic nature, some forms of assistance are available through the Athletics Commissioner of the Department of Labour.

Now comes the second category which involves the planning, development, maintenance, and use of parks located across the province at levels somewhere between that of a municipality and a provincial department.

a) Conservation and Parks Branch - Dept. of Commerce and Development

Has to do with Conservation Authorities which are governed by the Conservation and Parks Branch of the Dept. of Commerce and Development. This could involve almost any watershed located anywhere in the province.

b) Parks Branch - Dept. of Lands and Forests

This Branch operates a parks system located across the province on lands owned by the Crown. These parks are essentially of the camping, tourist, fishing, and hunting type of facility, as well as the provision of beaches and boating.

c) Roadside Parks - Dept. of Highways

A system of roadside parks is administered by a division or branch of the Dept. of Highways.

d) Niagara Parks Commission - Dept. of Labour

The Niagara Parks Commission operates under the authority of the Dept. of Labour.

e) Ontario St. Lawrence Development Commission - Dept. of Commerce and Development

The Ontario St. Lawrence Development Commission which operates a system of parks brought about mostly by the development of the Seaway, comes under the jurisdiction of the Dept. of Commerce and Development.

f) Parks Integration Board - Provincial Treasurer's Department

The Parks Integration Board which has representation from the Niagara Parks Commission, the Ontario St. Lawrence Development Commission, and the Parks Branch of the Dept. of Lands and Forests is accountable to the Legislature through the Provincial Treasurer's Department.

g) Physical Fitness Study Committee - Dept. of Public Health

This Committee has been appointed by the Minister of the Dept. of Public Health to bring back a report on the state of physical fitness throughout the province.

O. R. DALZELL,
Commissioner,
Recreation and Parks Department,
Township of Scarborough.

August 21st, 1961.

Municipality of the

Township of Somerville

Kinmount, Ontario

July, 31st. 1961;

H.E. Beckett, Q.C. M.P.P.
Legislative Assembly,
377 Parliament Buildings,
TORONTO, Ont.

Dear Sir;- Re- Business Assessment,
Rural Municipalities;

I note from your letter dated July, 28th. relative to assessment and business tax in our municipality, that you propose to make some changes;

I would like to suggest that business tax formulas in rural municipalities be changed for the following reasons,

1st. There appears a great injustice in the placing of business tax on small business, such as the individual grocer or merchant, or the summer resort hotel owner, and exempting the farmer or rancher;

The farmer purchases several head of young cattle in the spring and with little or no work, he sells them in the fall and makes considerable, compared to the merchant who actually is only making a living;

2nd. The Provincial Government give each municipality an unconditional grant, and also during the past year, we will receive a special school grant based on the number of pupils attending school during the year; These grants can not be used to reduce the levy on persons assessed with a business tax;

The volume of figures required and the variation mill rate levys to make the proper allotments is getting almost out of control, particularly in rural municipalities where most of the staff are only part time employees and not in every instance, capable;

I must agree that these grants should not be applied to reduce taxes in stock companies, such as the railways, Loblaws, A.&P, and etc; but most of these concerns are located wher the municipality can afford full time and capable employees;

I should imagine that the assessor might pick up most of this business assessment by applying the rent value on properties where business assessment was applied;

Yours truly,

Sept 2, 1961

Municipality of the

Township of Somerville

Farm: Fiber

A. A. WILLIAMSON, Clerk,
Treasurer and Tax Collector
Kinmount

Kinmount, Ontario

Mrs. H.G. Rowan,
Secretary,
Select Committee on the Municipal Act;
Parliament Buildings;
TORONTO, Ont.

Dear Madam;-

I am proud to receive your letter dated Aug. 28th. and appreciate your comments,;

I am enclosing a statement of business assessment as requested, and hope the same will enlighten your committee;

I am hoping that your committee will see fit to repeal the Act in regards placing a business tax on privately owned methods of making a living;

You will note the unfairness,from the attached statement, and furthur, we receive $3,660.00 unconditional grant, together with a new school attendance grant of $5.00 per pupil, which cannot be used under the present legislation, to benifit persons shown on the tax roll as operating any sort of business;

These grants means a differntial of five mills to the persons classed as in business, compared to the farmer, or residental property owner; either of the last mentioned could be making a personal earning far ~~in~~ above the business man;

Here you will note that the business man not only has his property assessment increased by a business tax, but he also is deprived of the government grants;

May I close by stating that, I nor any of my close relatives are in business, therefore my views being expressed in this matter, have no motive except to play fair with the small individual businesss man.

Yours truly,

A. A. Williamson

Clerk;

August 3rd.

TOWNSHIP OF STISTED

George Darling, Clerk-Treasurer

ASPDIN, ONT.

August 1st. 61

Select Committee on the
Municipal Act and related Acts;
Room 377, Parliament Buildings,
Toronto 5, Ontario.

Dear Sirs; Re: Buisness Assessment

Todate in my role as assessor I have not made a buisness assessment.

The reason; We are a Municipality back off the higway with possible buisness assessments in tourist houses, 6 in number. These houses are struggling for existence and I feel that any extra load can be the straw that could break the camel's back. (We want these places to survive) as the cottagers and summer guests are our hope of surviving.

The summer assessment now is 49 % of total assessment.

Yours truly,

Geo Darling

Clerk-Treasurer.

BRIEF

SUBMITTED TO

THE SELECT COMMITTEE OF THE LEGISLATIVE ASSEMBLY OF ONTARIO

ON THE MUNICIPAL ACT AND RELATED ACTS

BY

THE COUNCIL OF THE TOWNSHIP OF WHITBY

IN TWO PARTS

PART 1: RELATIVE TO THE INEQUITABLE COST OF EDUCATION ATTRIBUTED TO LAND.

RECOMMENDATION: AMENDMENT TO SECTION 37, SUBSECTION (1) OF THE ASSESSMENT ACT.

REEVE W. H. DOWN

PART 1

The Council of the Township of Whitby respectfully submit that the proportion of costs of education derived through taxes on land is no longer a proper and equitable method of supporting this particular public service.

Recommendation: That an amendment to Section 37, Subsection (1) of the Assessment Act be added to include the "costs of education" to those services already being given exemptions from taxation on land.

The Development and Reasoning for the Submission & Recommendation is as follows:

1. Educational costs have risen in common with the costs of all other municipal services. In addition, the costs of education have had a much greater proportional rise than any other municipal service. This is borne out by the fact, that in spite of very substantial and continually increasing Provincial grants towards the cost of education, that generally one half and even more, in some cases, of the municipal real estate tax is now required for the operational and capital costs of education in the municipality.

2. The cost of education, like almost every social and public service, is created by people and growth in population.

3. The most equitable distribution of costs by taxation is realized when it is assessed and charged on property common to the majority of tax payers. The Provincial tax or license on automobiles is an outstanding example of a tax that is accepted by the population because it is realized that this is an equitable distribution of taxes among the owners of property that is commonly owned without a tremendous variation in value.

4. Historically, land in this country has borne an assessment and contributed in the payment of municipal costs. Proof of its apparent general satisfaction is the continuation and use of this method for generations. It must have been the most acceptable method of taxation in the early history of this country, because

land was the fundamental real estate common to every settler. With development, land is no longer common to, nor evenly distributed among, our population. This fact is most marked in municipalities such as the Township of Whitby where, in little more than the last decade, it has been transformed from a predominant rural township to predominant suburban or residential. The distribution of land is no longer divided in generally common large parcels (farms) but into a tremendous variation from large parcels to the smallest lot allowable for housing. Because the small parcels now contain housing and people, which is the major reason for the disproportionate rise in the cost of education, the taxation on land for support of education is no longer an equitable basis of taxation.

Conclusion: It is the contention of this Council that property most common to the population with the most uniform valuation is the buildings from which we may derive the most equitable division of the costs of education.

It is apparent that the legislative assembly has accepted, in principle, that certain services and improvements should be exempted from land taxation because of obvious inequity as outlined in Section 37, Subsection (1) of the Assessment Act. This Council therefore respectfully submits and recommends that the Select Committee should consider an amendment to this Subsection to add "the costs of education" to those services already contained therein.

BRIEF

SUBMITTED TO

THE SELECT COMMITTEE OF THE LEGISLATIVE ASSEMBLY OF ONTARIO

ON THE MUNICIPAL ACT AND RELATED ACTS

BY

THE COUNCIL OF THE TOWNSHIP OF WHITBY

IN TWO PARTS

PART 2: RELATIVE TO THE INEQUITY OF THE PRESENT PROVINCIAL ROAD GRANT SCHEDULE TO "DORMITORY" TOWNSHIPS.

RECOMMENDATION: AMENDMENT TO THE ROAD GRANT SCHEDULE AS CONTAINED IN THE HIGHWAY IMPROVEMENT ACT.

REEVE W. H. DOWN

PART 2

The Council of the Township of Whitby respectfully submits that under modern conditions, the present road grant schedule as outlined in the Highway Improvement Act is inadequate and inequitable.

Recommendation: That an amendment should be made to the Highway Improvement Act to provide for the classification of roads according to need and to use, and that the schedule of road grants should be scaled from 50% to 100% in accordance with the greater need and use.

The Development and Reasoning for the Submission and Recommendation is as follows:

1. The basis of road taxation realized by municipalities from real estate should be for the maintenance and construction of roads for the use of the local taxpayer.

2. It is obvious that with the development and common ownership of the modern car along with the road improvement that increasing use is being made of all types of our present road system.

3. The Township of Whitby is one of those so called "dormitory townships" that because of location provides a greatly enlarged road use to neighbouring urban centres. The point of origin as well as the destination of a large percentage of the automobile and truck traffic is beyond its boundaries.

4. Because of its proximity to urban centres, a large percentage of week-end pleasure drivers use the normal local roads to escape congested highways and to better enjoy rural scenery for relaxation.

5. The costs of maintenance and construction are greatly increased for the municipality as a result of more traffic from external points. It should be pointed out that winter road maintenance is heavier, as well, in order to satisfy the commuter service of industrial employees in adjacent urban centres.

6. Dormitory municipalities such as the Township of Whitby lack commercial and industrial assessment to support the required road service of employees commuting to the commerce and industry of the urban centre. 9.8% of the total assessment in 1960 in the Township of Whitby was industrial and commercial. In addition, the assessment growth per capita in the last 10 years was only about one half that of the neighbouring urban centres.

It is obvious that the local municipality is being called on to support road maintenance and construction that is beyond its means.

7. An attempt to alleviate such inequitable road costs has been initiated in the development of suburban roads, and more recently in the construction of development roads which is supported completely by the Provincial Department of Highways.

Conclusion: The Council of the Township of Whitby respectfully submits that to more fairly distribute the Provincial road grants that a classification of roads should be set up; from completely local need, collector, arterial, development and finally through highways which could be parallelled by a sliding scale of Provincial road grants in support of the use and need of such classified roads.

The Council of the Township of Whitby recommends that the Select Committee should consider an amendment to the Highways Improvement Act to implement the fairer distribution of Provincial road grants in place of the inflexible and uneven support now offered through a standard 50%, road subsidy.

YORK TOWNSHIP

WARD 4 RATEPAYERS ASSOCATION

PRESIDENT

James Perna
39 Schell Ave.
RU 2-1370

SECRETARY

Pat Gorman
41 Schell Ave
RU 9-3629

Ward 4 Ratepayers Association, along with many other citizen's groups in Ontario, believe that the time has come to revise and amend the Ontario Municipal Act, so that it may become an effective deterrant against corruption in Municipal affairs.

First:- We recommend that any elected or appointed person, guilty of conflict of interest, corruption, graft, illegal manipulation of funds, or any act contrary to the oath of office, should be immediately removed from office by the Ontario Government, and further that the Ontario Government should initiate, conduct, and pay the cost of any litigation either civil or criminal involving such persons.

In our opinion, it is intolerable that a member of a Municipal Council, upon whom rests the responsibility for making the law, and administering it, at the local level, should themselves be above the law to the extent of not being subjected to immediate prosecution if they violate it. We believe that the Municipal Act, must be revised so as to establish clearer, more automatic and less expensive procedures for bringing to justice those who violate the law while holding public office.

Second:- There is a major loophole in the Municipal Act as it now stands. If, instead of doing business personally with the Municipality, an elected person is allowed to incorporate his company, while for practical purposes there is no change, he is legally in the clear. This simply permits a Councillor to hide behind a corporate indentity, and them proceed to violate the spirit of the act while living within the letter of the law. It is impossible to maintain respect for the law when the Government condones this procedure of violating it.

Third:- We believe that all building contractors operating in Ontario should be licensed and bonded and failure to live up to the terms of a contract should cause a builder to lose his license --for example, not providing proper protection for the safety of his employees, not furnishing workmanship and material, as specified, not adhering to the fair wage rules on Municipal jobs. The construction industry is one of the few businesses in Ontario that can be operated without a license because of its size and importance. We believe this to be unethical.

B R I E F

OF THE CORPORATION OF THE TOWNSHIP OF YORK SUBMITTED TO THE SELECT COMMITTEE OF THE LEGISLATIVE ASSEMBLY ON THE MUNICIPAL ACT AND RELATED ACTS.

In response to the request of your Committee for suggestions as to amendments which might be made to The Municipal Act and Relating Acts in order to improve the same, the following proposals are made for consideration by your Committee in the hope that they will prove of some help and assistance in improving, clarifying and enlarging the scope of these Acts.

The following proposals for amendments are respectfully submitted:-

THE MUNICIPAL ACT, CHAPTER 249, R.S.O. 1960.

1. By private act being Chapter 157, Statutes of Ontario 1957, legislation was granted to the City of Toronto for the above purposes. This legislation is set out in the Act as follows:

> "3. (1) The Corporation is authorized and empowered to lease or license the use of untravelled portions of highways within those portions of the City of Toronto zoned for commercial or industrial purposes to the owners or occupants of adjoining property for such consideration and upon such terms and conditions as may be agreed.
>
> (2) The Corporation is authorized and empowered to pass by-laws regulating and controlling the use of such portions of highways within the City of Toronto, including the use thereof for parking purposes.
>
> (3) This section does not apply to the portions of any highways that are under the jurisdiction of The Municipality of Metropolitan Toronto or that are extensions or connecting links of the King's Highway."

It is requested that the authority given to the City of Toronto as above mentioned should by amendment to The Municipal Act be made applicable to all cities and other municipalities havin g a population of not less than 100,000.

2. Strike out Clause (3) of Section 469, and substitute the following:

> (3) For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks, and for permitting the owners of land abutting on one side of the highway to construct, maintain and use a bridge or other structure over, across or under the highway for the purpose of access to land owned by such owners on the other side of the highway, <u>and for authorizing and regulating the construction, maintenance and use of approach-driveways, sidewalks, platforms, retaining walls and ramps in or under untravelled portions of the highway by the owners of the lands adjacent thereto, and for the installation of risers in the gutter leading to approach-driveways;</u> and for permitting the owners of the land to erect and maintain canopies that project over the highway, for prescribing the terms and conditions upon which the same shall be made, constructed, maintained and used, and for making such annual or other charge for the privilege conferred by the by-law as the Council may deem reasonable, and for providing upon the termination of any such privilege the highway shall be restored to its former condition at the expense of the owner of the land to which the privilege is appurtenant by filling in the are or opening, removing the bridge, structure or canopy, or otherwise as may be required by the by-law.
>
> (a) Such annual or other charge and any expense incurred by the Corporation in restoring the highway to its former condition is payable and payment of it may be enforced in like manner as taxes are payable and payment of them may be enforced.
>
> (b) The corporation is liable for any want of repair of the highway that may result from the construction, maintenance and use of any such area or opening, bridge or structure, or canopy, but is entitled to the remedy over provided for by Section 450 against the person by whose act or omission the want of repair is caused.

<u>NOTE:</u> The words relating to signs and other advertising devices have been omitted in view of the proposal that a separate section shall deal with signs and advertising devices. The provision respecting "canopies that project over the sidewalks" has been changed to "canopies that project over the highway". The underlined words are inserted in order to permit a council to regulate the construction, maintenance and use of approach, driveways, sidewalks, platforms, ramps etc., under untravelled portion of the highway in view of the

general practice of owners of land to construct such works without the knowledge of the municipality and thereby avoid appropriate control.

3. Strike out Section 463, and substitute the following:

> 463. Where the owners of and other persons interested in the land required to be taken for establishing and laying out a highway or for altering, widening or diverting a highway, consent in writing to the passing of the by-law for any such purpose, or where such land has been acquired by the corporation, Section 462 does not apply to the by-law.

NOTE: The purpose of the proposed amendment is to permit the "altering, widening or diverting of a highway" where the land has already been acquired by the Corporation without complying with the formalities required by Section 462. The present section dispenses with the necessity of complying with Section 462 only where the lands have been acquired for establishing and laying out the highway.

4. Amend the definitions in Section 1 by inserting the following:

> (aa) "Boulevard" shall mean and include that part of a highway which is not a travelled portion of the highway, and which is not a paved or unpaved roadway, sidewalk or pathway.
>
> (q) "Published" means published in a newspaper in the municipality to which what is published relates, or which it affects, or, if there is no newspaper published in the municipality <u>having general circulation throughout the municipality</u>, in a newspaper published in an adjacent or neighbouring municipality <u>having general circulation throughout the municipality to which what is published relates or which it affects</u>: and "publication" has a corresponding meaning.

NOTE: The words underlined have been added to the present paragraph (q) in order to provide for a situation where in a municipality such as York Township there are weekly newspapers published in the municipality but which do not have general circulation throughout the municipality, and where accordingly it is the practice to publish statutory notices in a Toronto

newspaper which has general circulation throughout the municipality of the Township of York. Publication in a Toronto newspaper under these circumstances reaches the entire municipality although without the proposed amendment such publication will not meet with the requirements of the Act under the present definition of "published".

5. Amend Section 379 (1) by inserting the following as paragraph 128 (a):

> 128 (a) For requiring the owners of public garages as defined in paragraph 127, to construct on the lands appurtenant thereto one or more catch basins and connect the same to the public sewer in such manner that all water, including water used in washing cars, shall be properly drained from the said lands.

Amend Section 379 (1) by inserting therein the following as paragraph 128 (b):

> 128 (b) For requiring the owners of public garages, automobile service stations, apartment houses and other buildings which maintain in connection therewith a paved surface having an area of more than 2,000 square feet, to install on the premises a storm water tank into which surface water will drain, having adequate capacity with outlet from such tank to the public sewer, and constructed in such manner that the contents of the tank will drain away slowly so as to avoid flooding.

<u>NOTE:</u> The purpose of proposed paragraph 128 (b) is to take care of a situation where a public garage, an apartment house, or other large building is constructed in an older area in which sewers have been installed without capacity to take care of additional storm water. The construction of a storage tank to drain storm water slowly off the premises would obviate the necessity of installing larger public sewers.

6. Repeal paragraph 122 of Section 379 (1) and substitute the following therefor:

> 122 (a) For permitting the owners and occupants of land to erect, maintain and use signs which project over the highway, and for making such annual or other charge for the privilege conferred by the by-law as

the Council may deem reasonable, and for providing for the termination of such privilege conferred by the by-law and for the removal of any such signs.

(b) For prohibiting or regulating the erection, maintenance and use of signs on buildings, poles, trees and on lands within the municipality or within any defined area or on land abutting any defined highway or part of a highway.

(c) For requiring the removal of any sign that is erected or maintained contrary to the provisions of the by-law, and for providing that in default of the removal of any such sign that the municipality may remove any such sign at the expense of the owner of the land on which such sign is erected.

(d) In this paragraph "sign" means and includes any sign, notice, bulletin board or other advertising device whether illuminated or not, but does not mean or include any sign erected or maintained by a municipality for the regulation, safety or information of traffic.

NOTE: The purpose of replacing the existing paragraph 122 of Section 379 (1) is to collect in the one paragraph all provisions relating to the prohibiting or regulating of signs. Although some municipalities have been regulating signs as "structures" under Sections 30 and 31 of The Planning Act, it is felt that there are many circumstances under which signs could not properly be called structures, and it is submitted that the proposed amendment would eliminate any confusion on this point.

7. Amend Section 320 by adding to Subsection (3) the following words:

(3) "provided that before the said expenses are fixed and certified, the accounts for each expenses shall be submitted to the municipality or local board concerned, which shall have not less than fifteeen (15) days thereafter in which to make such representations to the Minister thereon as it may deem proper".

so that Subsection (3) shall read as follows:

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister, and forthwith be paid by the municipality; provided that before the said expenses are fixed and certified, the accounts for such expenses shall be submitted to the municipality or local board concerned,

which shall have not less than fifteen (15) days thereafter in which to make such representations to the Minister thereon as it may deem proper.

NOTE: The above amendment requires little explanation. It is felt that it is unfair to a municipality to require payment of such expenses with no right to make representations concerning such charges as it may consider exorbitant or unjustified.

8. Amend Section 320 by adding thereto the following as Subsection (4):

(4) Notwithstanding the provisions of Subsection (3) a bill for fees, charges and expenses of a solicitor engaged by the commissioner to assist in the inquiry shall not be fixed and certified by the Minister, but shall be rendered by such solicitor to the municipality or local board whose financial affairs have been inquired into, and the said bill shall be taxed by the taxing officer of the Supreme Court of Ontario on the application of the Solicitor, in the manner provided by The Solicitors Act for the taxation of bills. The amount of the bill so taxed shall be the amount payable by the municipality or local board to the solicitor, and shall be payable forthwith after taxation thereof.

NOTE: This amendment is suggested as an equitable method of offering protection to both the municipality and the Solicitor where a dispute over the amount of the Solicitor's bill arises.

9. Amend Section 379 (1) by adding the following as paragraphs 56 (a) and 56 (b):

56 (a) For clearing away and removing snow and ice from the sidewalks on highways throughout the municipality at the expense of the corporation.

(b) For clearing away and removing snow and ice from sidewalks on any defined highways or from sidewalks on highways within any defined area, and for providing that the cost of such clearing and removing shall be annually levied, imposed and charged against the assessed owners of the lands abutting such highways and collected in like manner as taxes.

NOTE: The proposed paragraph 56 (a) is designed to authorize the corporation to arrange for the clearance of ice and snow off the sidewalks throughout the municipality at the corpora-

tion's expense. Paragraphs 55 and 56 as they now appear in The Municipal Act do not authorize this, and with the advent of modern machinery, it may be found economical and desirable to clear the sidewalks of snow and ice at the expense of the corporation instead of requiring by by-law that occupants of buildings remove the snow and ice at their own expense. These snow cleaning by-laws are difficult to enforce.

Section 56 (b) is designed to authorize a municipality to arrange for the clearing away and removing of snow and ice from designated highways or highways in defined areas and charging the cost of the same against the assessed owners of the lands abutting the higtways on which the sidewalks are cleaned by the municipality. The residents in many sections of municipalities much prefer the municipality to clear off the sidewalks in front of their homes with snow cleaning machinery which can be done at a comparatively small expense cost per foot frontage, and have the cost charged against them in like manner as taxes.

10. Amend paragraph 75 of Section 379 (1) by inserting after the word "for" in the first line the words "and regulating" so that the said paragraph as amended shall read as follows:

> 75. For establishing and maintaining a system for, <u>and regulating</u> the collection, removal and disposal of garbage and other refuse, and for contracting with any person for the collection, removal and disposal by him of ashes, garbage and other refuse upon such terms and conditions as may be deemed expedient, and for acquiring land within the municipality or in any adjacent municipality with the consent of the council thereof for any of the purposes of this paragraph, and for erecting and maintaining with the approval of the Department of Health such buildings, machinery and plant as may be deemed necessary for the purposes of this paragraph.
>
> (a) The corporation may borrow money for any of the purposes of this paragraph by the issue of

debentures and may levy therefor in respect of any of the purposes of this paragraph on the rateable property in the municipality or in defined areas thereof.

NOTE: The insertion of the word "regulating" is designed to authorize the municipalities to deal with such matters as requiring the garbage to be placed in tins or other suitable receptacles; requiring the placing of the garbage cans or the collection day immediately in the rear of the main front wall of the dwelling, and other similar matters for which there would now appear to be no authority.

THE LOCAL IMPROVEMENT ACT, CHAPTER 223, R.S.O. 1960.

1. Amend The Local Improvement Act.

(a) By adding to Subsection (1) of Section 29 the following words:

> "and the Council may by by-law cancel the special assessments which were imposed against the frontage which subsequently became flankage, and which assessments would not have been imposed had it been flankage at the time the work was carried out. The by-law may cancel all the annual assessments imposed which have not been collected prior to and after the date the by-law is passed. The amount of the assessment so cancelled shall be charged against the corporation."

so that the said Subsection (1) shall read as follows:

> (1) Where a local improvement is carried out and an exemption is made of flankage of a lot which flankage later becomes a frontage on the work that has been carried out, the corporation may by by-law impose a special assessment of such amount as would have been assessed against such flankage had it been frontage at the time of the passing of the by-law; and the Council may by by-law cancel the special assessments which were imposed against the frontage which subsequently became flankage, and which assessments would not have been imposed had it been flankage at the time the work was carried out. The by-law may cancel all the annual assessments imposed which have not been collected prior to and after the date the by-law is passed. The amount of the assessment so cancelled shall be charged against the corporation.

(b) By striking out Subsection (2) of Section 29, and by substituting the following:

> (2) Notice of the special assessment imposed and of the special assessment cancelled, shall be given by registered mail addressed to the then registered owner of such flankage and of such frontage.

NOTE: The present Section 29 provides for a situation where after construction of a work on a vacant lot, and the imposition of a special assessment against the lot frontage, a house or houses are erected facing on the flankage of the lot. In this case the section provides for the imposition of a special assessment against the part of the lot which was flankage and has now become frontage. The proposed amendment provides the necessary complementary authority for

cancelling the assessment against the part of the lot which is no longer frontage. The lack of this authority entails a great hardship in all such cases, unless the officials make the cancellation without legal authority.

THE PLANNING ACT, CHAPTER 296, R.S.O. 1960.

1. Add to Section 30 the following as Subsection 21:

> 21. Every municipal corporation may enter into agreements with applicants for amendments to by-laws passed under paragraphs 1 to 6 of Section 30 (1) or any predecessor of these paragraphs imposing such conditions and requirements on the applicant as the council may deem proper, in consideration for the making of any such amendment.

NOTE: The purpose of this provision is to authorize the corporation to enter into agreements imposed as a condition of the council amending a zoning by-law. Such agreements are in many cases entered into by municipalities without legal authority. In many cases it is found desirable that the zoning by-law should not be amended to permit the erection — for example of apartment houses — without requiring the applicant to pay costs and charges in connection with the sewers, watermains, sidewalks, etc., which may be made necessary by the erection of apartment houses on a site not originally zoned for such purpose.

2. Amend Section 30 (7) by adding the following as clause (c):

> (c) "Plans" in this clause shall mean and include plans which are in sufficient detail to clearly indicate the use of the proposed building or structure.

NOTE: Clause (b) of Subsection (7) provides that no zoning by-law shall "prevent the erection or use for a purpose prohibited by the by-law of any building or structure, the plans for which have prior to the day of the passing of the by-law been approved by the municipal architect or building inspector....." The added clause (7) is designed to make it clear that the type of plans referred to in Clause (b) shall be in such detail as will indicate the purpose for which the proposed building or structure will be used.

3. Add to Section 30 the following as Subsection 22:

> 22. Every municipality may pass by-laws to require an applicant for an amendment to any by-law passed under the authority of this section to pay a sum not exceeding $100.00 before such application is dealt with, provided that where such amendment is made and submitted to The Municipal Board for approval, an additional sum not exceeding $50.00 may be imposed. The said sums shall be used to defray in part the expenses incurred by the municipality in connection therewith.

NOTE: The cost of processing applications for amendments to zoning by-laws for the special benefit of the applicants is quite substantial, and includes the required advertising of the notice for the hearing before The Ontario Municipal Board. Many municipalities impose a charge to defray part of the expenses involved. There appears to be no legal authority for making such a charge, and it would seem reasonable that the applicant for whose benefit the amendment is made should bear the cost of the application rather than the corporation.

4. Amend Section 31 (1) by striking out paragraph 1 and inserting in place thereof the following as paragraphs 1 (a), 1 (b), 1 (c) and 1 (d):

> 1 (a) For regulating the size and strength of frame, wooden, brick, stone, cement and concrete walls, and of the foundations and foundation walls, beams, joists, rafters, roofs and their supports of all buildings and structures to be erected, altered or repaired, and for requiring the production of the plans of all buildings and structures, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees and for the issuing of a permit certifying to such approval without which permit no building or structure may be erected, altered or repaired, and for authorizing the refusal of a permit for any building or structure that if constructed would be contrary to the provisions of any by-law of the municipality.
>
> 1 (b) For requiring that before a permit is issued a plan of survey certified by an Ontario Land Surveyor showing all street, building and property lines surrounding the property, shall be filed with the building inspector or architect.

1 (c) "Structure" shall mean and include a retaining wall, water tank, swimming-pool, fence, and a sign, billboard or other advertising device whether erected on the ground or on the roof of a building, but shall not mean or include a sign, billboard or other advertising device erected on the ground and having a height of not more than six (6') feet, and shall not mean or include a fence having a height of not more than six (6') feet.

1 (d) For providing that a permit shall expire unless construction of the building or structure has been bona fide commenced within a period of six (6) months after the date the permit is issued, or such longer period as may be specified in the by-law; and for providing that any permit shall not be transferable or assigned except subject to such conditions including payment of an additional fee as may be provided by by-law.

NOTE: The underlined words and the definition of "structure" constitute the only changes proposed in paragraphs 1 (a) and 1 (c). The existing section appears to be defective in that the word "structure" together with the word "building" appears in the phrase "without which permit no building or structure may be erected.....", but does not appear in other places after the word "building". The purposes of paragraphs 1 (b) and 1 (c) are self-explanatory. Paragraph 1 (d) is self-explanatory.

5. Amend paragraph 15 of Section 31 (1) by striking out the words "of the by-law" and by inserting the following words in place thereof:

"of the provisions of any by-law of the Municipality", so that the said paragraph 15 shall read as follows:

15. For authorizing the pulling down or removal, at the expense of the owner, of any building or erection constructed, altered, repaired or placed in contravention of the provisions of any by-law of the Municipality.

NOTE: This proposed amendment is designed to authorize the existing paragraph to apply where the building is erected in contravention of the by-law (usually the building by-law) or of a zoning by-law.

6. Amend paragraph 16 of Section 31 (1) by inserting at the end thereof the following words "or is in such a condition of deterioration that economical repairs are impracticable.

NOTE: The above amendment is suggested to provide a remedy to the municipality where a property owner allows a building to deteriorate beyond repair.

7. Amend Section 31 (1) by adding the following as paragraph 24:

> 24. Where the council has notified the owner in writing of its intention to pull down or remove any building, erection, fence, or scaffolding under the authority of paragraph 15 or 16 of this section, and if the owner fails to remove the same within fifteen (15) days after the giving of such notice, the corporation and its servants and agents shall not be liable to any damages arising out of the work of such removal except for gross negligence.

NOTE: The purpose of the above amendment is to give some protection to the municipality when it exercises its rights under paragraphs 15 or 16 and authorizes the fulling down of a building or erection. It is felt that some protection against actions for damages arising out of tresspass or minor injury to property should be afforded to a municipality.

8. Amend Section 31 (1) by inserting therein the following as paragraph 25:

> 25. To require that two exits be provided from each suite or separate set of rooms in all buildings used for residential purposes.

NOTE: This proposal is designed as a proper provision to contain in a building by-law to provide more than one exit as a safeguard in case of fire.

The foregoing proposals are respectfully submitted to the Select Committee on the instructions of the Council of the Corporation of the Township of York.

H. G. COURTMAN
TOWNSHIP CLERK

June 26, 1961

TELEPHONE
ROGER 6-3481

THE CORPORATION OF THE TOWNSHIP OF YORK
TWENTY-SEVEN HUNDRED EGLINTON AVENUE WEST
TORONTO, ONTARIO

June 23rd, 1961.

Mrs. H. G. Rowan,
Secretary,
Select Committee on the Municipal
Act and Related Acts,
Room 377, Parliament Buildings,
Toronto 5, Ontario.

Dear Mrs. Rowan:

I am forwarding herewith for the information of the Select Committee appointed to review the Municipal Act and Related Acts, the following motion which was passed at a meeting of the Committee of General Purposes of the Township of York held on Monday, June 19th, 1961:

"Moved by Mr. Stollard: That York Township Council request the Select Committee on Legislation to consider that there be legislation establishing a set of Council procedures suitable for all the various communities, both large and small, with a minimum framework of the fundamental requirements, to provide basic needs of the least of our municipalities while at the same time this basic framework should be capable of being expanded to take into account the expanding responsibilities of the larger municipalities. Carried. (Messrs. Barnett, Goodfellow, Rowland, Stollard, Taylor and Mr. White voting yea: Messrs. Mould, Saunders and Mrs. Gell voting nay.)

Yours very truly,

H. G. Courtman

H. G. COURTMAN,
Township Clerk.

HGC:bjr

A BRIEF

PRESENTED TO: The Select Committee on the Municipal Act and Related Acts
Wed. Sept. 19 at 11:30 A.M.

SUBMITTED BY: York Township Citizens' Committee

SUBJECT Suggested amendments and revisions for the present Ontario Municipal Act

WHEREAS: It is obvious that stronger legislation is needed to protect the taxpayers of the Province of Ontario against wrong doing by elected officials and municipal officers,

AND WHEREAS: The present Ontario Municipal Act is woefully inadequate outmoded, archaic and unable to cope with the maladministration in several municipalities throughout Ontario.

THEREFORE: The York Township Citizens' Committee, a non-partisan representative group of citizens and ratepayers from all parts of York Township, strongly urge the Ontario Government to display leadership and enact legislation at the next legislative session and to give serious consideration to the following points recommended by the York Township Citizens' Committee:

(1) Clearer cut legislation be enacted to enable the Department of Municipal Affairs to recall sitting members of councils for violations of the Act, with particular reference to sections 56 and 57, so that when a member of council has knowingly voted where a conflict of interests exists, or taken part in a completed contract where a conflict of interest existed, that penalties be provided including loss of office, inelegibility to contest public office for a determined period, fines and jail sentences, the extent of such penalties to be determined in a court of law.
Judge Joseph Sweet's recommendations should be implemented.

(2) If any investigation reveals wrongdoing, then the penalties for such should be readily understandable and the responsibility for enforcement and expenses incurred therewith should be directly borne by the Department of Municipal Affairs and the Attorney General. There should be power granted to the Department of Municipal Affairs to order the removal of every official, either elected or appointed, with immediate suspension until the charges concerned are dealt with satisfactorily.
Former Premier Leslie Frost recommended Citizens Cmt. go to court

(3) A code of ethics should be made law and any such code should include suitable penalties therein.
Citizens Cmt. had to pay $756 court costs trying to unseat reeve.

(4) An investigating and enforcement government board is necessary to be able to conduct and initiate "Inquiries", to act on complaints of information received and to be able to unseat members and levy penalties.

(5) Ontario Municipal Board should meet in evenings to give ratepayers better chance to express opinions. Municipal Board should take stronger action to protect residential areas from encroachment of high-rise apartments.

Harry Hatfield, President

Nick Manfredo, Secretary

Ben Nobleman, Publicity Chairman.

Office of The Prime Minister & President of the Council

Toronto, Ontario,
May 25th, 1960.

Dear Mr. Robinson:

Your telegram of the 23rd instant is at hand, and I note your invitation to attend a public meeting of York Township Ratepayers at York Memorial Collegiate Institute tonight at 8:00 p.m. It will not be possible for me to be present.

I have discussed this matter with the Minister of Municipal Affairs. As a result two representatives of the Department will be present at the meeting to obtain the fullest of information as to the proceedings but, of course, not to intervene in the meeting in any way, but purely in the capacity of observers who can advise the Minister and me. May I point out that very much of Judge Sweet's Report is of direct concern to your Township and to its ratepayers and electors, and to that extent it is the business and the responsibility of the people of that Township. For myself, I can assure you that the Judge's Report is receiving thorough study, particularly as to any implications which would relate to general municipal government in the Province. On this point I shall probably have things to say at a later date.

From the standpoint of your own Township, you and the electors have very definite rights and responsibilities I should say among the principal of which is that the electors generally must take a deep interest in municipal affairs in the Township. By their ballots the people of the Township, and only the people of the Township, can elect those who are going to represent them. Please bear in mind that an election at the latest is only six months away.

There are certain other rights which run only to an elector of the Township, which include the unseating of a member or members of the Council. In this you should be guided by the advice of your solicitors.

In connection with matters relating to municipal administration in the Township, may I assure you that it will be a pleasure to discuss items arising not only from your meeting, but otherwise, with yourself and the executive of your Citizens' Committee. If you would please get in touch with me I should be glad to arrange a time and place to discuss matters with you, at which time I would have with me the Minister of Municipal Affairs and the officials of his Department who would be concerned.

Perhaps I should point out to you that Judge Sweet's Report was brought about by the Minister of Municipal Affairs who recommended, under the provisions of The Municipal Act, that an enquiry should be held. This was done by the Minister on information given to him by some responsible citizens. In the end, however, York Township, as every other Municipality, is an autonomous, responsible municipality. There are laws and procedures laid down in the Statutes of Ontario for the conduct of municipal affairs. Personally, I do not believe that any bureaucracy consisting of innumerable provincial officials should ever attempt to supervise the affairs of Ontario's over a thousand municipalities. This job in the end belongs to the people in each and every municipality. The responsibility is the peoples and there the responsibility should and must remain if we are to have a proper functioning of municipal government in thsi Province. This was one of the principles of the first Municipal Act of over one hundred years ago. It was one of the recommendations of the Durham Report of that same period. This principle is as fundamental today as it was when the first Municipal Act was enacted. I think it would be a very great error to get away from this principle.

The Department of Municipal Affairs is not, and should not be, a Department as it were to "police" municipal affairs. That is not consonant with autonomy and responsibility. It is there to help municipal governments and to help the electors and ratepayers of municipalities. It is there to guide and advise them, but it should not be there to take away from the responsibilities of either municipal governments or those who elect them the duties and the obligations that are imposed by the Statutes of our Province. May I again say to you as a ratepayer and elector in York Township representing a Citizens' Committee, that you are doing the right thing in bringing responsibility home to the people. When the people determine to accept these things and to assert their very clear rights and powers, including that of electing municipal Councils and taking an interest in municipal affairs,

then practically all of our municipal difficulties disappear.

I wish you every success in your meeting. Your proceedings will be reported to me. I shall be very glad with those whom I have mentioned to discuss with you points which you care to raise with me, including the proceedings of tonight's meeting. Again, the functions of the Department of Municipal Affairs are as I have stated, and we shall endeavour to fulfill them in their entirety.

Very sincerely yours,

Leslie M. Frost

Mr. Bert Robinson,
Chairman,
York Township Citizens' Committee,
394 Caledonia Road,
Toronto, Ontario.

A BRIEF

PRESENTED TO: The Select Committee on the Municipal Act and Related Acts

SUBMITTED BY: York Township Citizens' Committee

SUBJECT: Suggested amendments and revisions for the present Ontario Municipal Act

WHEREAS: It is obvious that stronger legislation is needed to protect the taxpayers of the Province of Ontario against wrong doing by elected officials and municipal officers,

AND WHEREAS: The present Ontario Municipal Act is woefully inadequate outmoded, archaic and unable to cope with the maladministration in several municipalities throughout Ontario.

THEREFORE: The York Township Citizens' Committee, a non-partisan representative group of citizens and ratepayers from all parts of York Township, strongly urge the Ontario Government to display leadership and enact legislation at the next legislative session and to give serious consideration to the following points recommended by the York Township Citizens' Committee:

(1) Clearer cut legislation be enacted to enable the Department of Municipal Affairs to recall sitting members of councils for violations of the Act, with particular reference to sections 56 and 57, so that when a member of council has knowingly voted where a conflict of interests exists, or taken part in a completed contract where a conflict of interest existed, that penalties be provided including loss of office, inelegibility to contest public office for a determined period, fines and jail sentences, the extent of such penalties to be determined in a court of law.

(2) If any investigation reveals wrongdoing, then the penalties for such should be readily understandable and the responsibility for enforcement and expenses incurred therewith should be directly borne by the Department of Municipal Affairs and the Attorney General. There should be power granted to the Department of Municipal Affairs to order the removal of every official, either elected or appointed, with immediate suspension until the charges concerned are dealt with satisfactorily.

(3) A code of ethics should be made law and any such code should include suitable penalties therein.

(4) An investigating and enforcement government board is necessary to be able to conduct and initiate "Inquiries", to act on complaints of information received and to be able to unseat members and levy penalties.

OFFICE OF
CLERK - TREASURER

May 17, 1961

C-39

Municipal Corporation
Town of Thornbury

May 13th. 1961.

Select Committee of the Municipal Act
and Related Acts,
Room 377,
Parliament Buildings,
Toronto 5, Ontario.

Gentlemen:

Enclosed please find a copy of a resolution passed by the Council of the Town of Thornbury which is to be forwarded to the Association of Ontario Municipal Welfare Officers, requesting that the problem of emergency surgery affecting indigent persons be discussed and suggestions made for new legislation covering this problem.

It is felt by our Council that in cases of emergency surgery necessary for indigent cases mentioned, Doctors are entitled to pay for work done and only in the case of larger hospitals where such work is covered by staff Doctors would such payment be covered. Council on the other hand is concerned by the fact that since such work is not now covered by Government Legislation or Grant, Municipalities in paying such accounts would be incurring precedents in such matters and a heavy drain on municipal funds.

It is hoped that the Select Committee on the Municipal Act and other Acts will give this their consideration and that Legislation will be suggested offering aid to municipalities in such cases.

Yours very truly

W.N. Chalk

W.N. Chalk
Clerk

comments of James A. Bond June 19th, 1961

RESOLUTION PASSED BY THE TOWN COUNCIL
OF THE CORPORATION OF THE TOWN OF
TRENTON, ON THE TWELFTH DAY OF MAY,
1961

WHEREAS at the present time, the surgical care of indigent persons confined to hospitals in the Province of Ontario is the direct responsibility of the municipality and/or the medical practitioners, and there would appear to be no provisions in the Revised Statutes of Ontario as to allowing for grants, or other provisions to take care of the cost of such surgical services;

AND WHEREAS surgical services should be included in those services provided for recipients of public welfare, disability pensions, blind persons' pensions, and old-age pensions with a Means test;

AND WHEREAS if surgical services were included in these services to indigent persons covered by Government grants, this would lessen the financial burden on municipalities and would be in the best interests of all concerned.

NOW THEREFORE BE IT RESOLVED that the Convention of the Ontario Municipal Welfare Officers' Association petition the Government of the Province of Ontario to investigate the following:

(a) Emergency surgery on general welfare recipients in hospitals to be included in their medical benefit plans.

(b) Emergency surgery on recipients of disability pensions, blind persons' pensions, and old-age pensions with a Means test to be included in their medical benefit plan.

(c) That the necessary amendments be made to the Municipal Act, the Public Welfare Act, and the Public Hospitals Act, to implement the suggested changes.

June 20th, 1961

ONTARIO

DEPARTMENT OF PUBLIC WELFARE

OFFICE OF THE DEPUTY MINISTER

June 19th,
1961

Memorandum to:

Mrs. H.G. Rowan,
Secretary,
Select Committee on the Municipal Act
and Related Acts,
Room 377,
The Buildings.

From: James S. Band.

I have your letter of May 25th to which was attached a Resolution presented by the Town of Thornbury, proposing that provincial funds be made available to cover the cost of surgical services for recipients of welfare allowances.

At the present time, most of the persons who receive public assistance, of one kind or another, are entitled to medical services, without charge, from the doctor of their choice. This Medical Welfare Plan is administered by the Ontario Medical Association under an Agreement with the Province.

The Plan basically covers home calls and visits of the recipients to the doctor's office. Emergency medication may also be made available by the doctor when necessary. The Province pays the O.M.A. $1.25 per month for each eligible recipient of a welfare allowance. For persons and families in receipt of relief, the municipalities contribute 20% of the above per capita rate. In addition, each person entitled to medical services is also insured, without charge, under Ontario's Hospital Care Insurance Plan.

June 20th, 1961

The Medical Welfare Plan does not provide for medical services or surgery in hospital. In most instances doctors do not expect payment for services rendered in hospitals to welfare recipients. Sometimes when bills have been presented to such persons, the doctor has been unaware that the patient was a welfare case. When the true circumstances of indigency were made known, the account has been withdrawn. This is the general practice amongst physicians throughout the Province.

We are not aware that municipalities have been presented with an undue burden in respect of the payment of fees for surgery on behalf of welfare recipients. In any event, each municipality receives, yearly, an Unconditional Grant on a per capita basis "to assist . . . in the provision of welfare and social services". In almost every case, the amount provided to the municipalities more than offsets municipal expenditures as related to welfare cases.

Thomas R. Dawes
Deputy Minister

June 30, 1961

OFFICE OF G. H. CLARKSON
CLERK AND TREASURER

TELEPHONE
CHerry 1-9141

THE TOWN OF WESTON

2000 WESTON ROAD
WESTON . ONTARIO

June 29th, 1961.

Mrs. H. G. Rowan,
Secretary,
Select Committee on the Municipal Act
and Related Acts,
Legislative Assembly,
Room 377, Parliament Buildings,
TORONTO, 5.

Dear Madam,

Further to my communication of May 30th, 1961, I now wish to advise that the Municipal Council at its meeting held on the 26th instant adopted a recommendation of the Finance Committee of the Municipal Council that the Town not make any representations to the Committee.

The writer was, however, authorised to bring one point to the attention of the Committee. In the past, we have noticed that apparently because of doubt as to the extent of the authority authorised by general legislation, some municipalities apply for a Private Act to enact By-laws, and such application granted by the Legislation. It is our thought that if the doubt is justified that, rather than clarification being given for one municipality, the general legislation should be amended.

Trusting that these remarks will be accepted in the spirit in which they are given,

Yours very truly,

G. H. Clarkson

Clerk and Treasurer.

GHC:AH.

THE WHITBY PUBLIC SCHOOL BOARD

PRESENTATION TO THE SELECT COMMITTEE ON THE MUNICIPAL ACT AND RELATED ACTS. AUGUST 27th, 1962

Gentlemen:

It must be stressed from the very outset that this submission is largely conjecture. It is a recognized fact that issues dealt with by the Select Committee, for best and speediest results, should be factual and chapter and verse supplied so that the facts can be weighed against each other and a highly logical conclusion arrived at.

In the submission before you, from the Whitby Public School Board, no such approach is possible. In fact if you were to accept our submission in its entirety and make the necessary amendments to the Municipal Act, it would be highly unlikely that the possible benefits obtained would be such as to be obvious to the casual eye.

Furthermore, it should be pointed out, that this submission was motivated, not by dissatisfaction with the Act itself, but by the steadily rising cost of school construction and its consequent burden on the municipality. This submission was motivated entirely by a desire to ensure that school capital construction is exposed to the economy of genuine competitive tendering. It is hoped that the committee will bear this in mind when considering our submission and the absence of the usual multitude of figures representing area as against dollars and cents will not be regarded as poor quality of preparation.

The main point of our submission, as outlined in our letter of August 16th, 1961, is that it is a mistake to indicate at such an early time in the process of acquiring the necessary funds for school construction how much is to be made available. It is our conviction, that for the greatest economy, the estimated cost should not be made public until the tenders are in and approval has been granted by the Municipal Council. There is no doubt in the minds of the Whitby Trustees and this view is supported by numerous elected officials in the surrounding communities, that the initial estimate under the present system is inevitably greatness upwards. In Whitby this has meant an increase of up to 10%. In surrounding areas it has meant an increase of up to 40%.

Once again it is difficult to outline the cause and effect of this unfortunate trend, but it is perfectly obvious that, given a minimum sum on which to work, the contractor will quickly estimate how much in addition to this he can tender and still remain competitive. In

our experience only those contractors whose finance of position is in question and therefore in an unreliable agent, comes anywhere near the original estimate.

We have suggested that it is possible for a group of contractors to work in collusion by ensuring that each member obtains a job in rotation. In conversation with officials in the surrounding area in the last few days, I have discovered that it is considered beyond question that this practice is habitual rather than the reverse. The Whitby Public School Board does not wish to go this far, but does feel that the possibility of this happening is valid.

We suggest then that initially the local school board convince the council that additional classroom space is essential. Once this is achieved limited funds be made available to hire an architect. In consultation with the local council, the Board would accept the most suitable plan and eventually recommend that the best tender be accepted.

Note that at each stage we feel that the council should be represented, but the provision should be retained that, if the board and council cannot agree, the question can be put to the residents after a 10-day period.

In order for any attempt to lessen the cost of school construction to be successful, stiff penalties should be introduced for contravention by anyone - trustees, architects, councillors, contractors. It must be adduced that this emphasis on local autonomy has lent itself to many abuses. Closer governmental scrutiny, unpopular as it may be, should be introduced at all stages. Thus expert opinion on behalf of the taxpayer would be more readily available.

A more effective method of lowering school costs, which is perhaps outside the jurisdiction of this committee, would be to standardize school construction into a limited amount of alternatives. Thus a board would have a choice of perhaps five alternate designs, and taking into account climatic conditions there would be a fairly stable amount for each unit of construction. I would point out, for instance, that the county of Hertfordshire in England, a largely rural area, has purchased 100 schools of pre-cast concrete construction, which are manufactured in a factory and merely assembled on the site.

It is hoped by the Whitby Public School Board that, even if the suggestions included in this submission are of little value, they may stimulate more able minds to search for a solution to the ever-increasing problem of classroom shortage.

ME/N 22/8/62

Aug. 15, 1961

Whitby Public Schools

OFFICE OF THE SECRETARY-TREASURER
Kathleen Rowe School
Athol Street

WHITBY, ONTARIO August 14, 1961

Select Committee on the Municipal Act and Related Acts
Room 377
Parliament Buildings
Toronto 5, Ontario

Gentlemen:

The Whitby Public School Board has instructed me to write to you to advise you that at their regular meeting the following motion was introduced, seconded and passed:

> "---that a letter be sent to the Select Committee on the Municipal Act advocating the need for changes in the Act as follows:
>
> The current method of debenture issue, to cover cost of school construction, requires that the amount of funds to be made available is made public even before tenders are advertised. This means that contractors are aware of how much money is available. This must have some effect in determining the limits of the estimates tendered. In other words, if Council approved a debenture issue of $200,000, it is possible that the lowest bender might be only slightly below this amount.
>
> Furthermore, this method would lend itself so easily it possible for a group of contractors in a given area who, knowing in advance how much is available, to work in collusion to provide that either a given contractor would secure the job, with resultant kickbacks, or that the tendered prices would be kept at an artificially high level. We do not suggest that this is being done but under the present system this is possible.

Whitby Public Schools

OFFICE OF THE SECRETARY-TREASURER
Kathleen Rowe School
Athol Street

WHITBY, ONTARIO, August 14, 1961

Select Committee on the Municipal Act and Related Acts, Cont.

This could be avoided by altering the system as follows:

(a) School Boards must first of all convince Coundil that a specific amount of additional classroom space is essential.

(b) The Board would hire an architect to furnish plans for the new building and call for tenders.

(c) The Board would recommend to Council which tender should be accepted.

(d) The debentures would then be issued to the amount necessary."

Yours very truly,

(Miss) May A. Newman

MAN?N

Secretary-Treasurer